Canadian Centre
for Occupational
Health and Safety

Centre canadien
d'hygiène et de
sécurité au travail

WHMIS — THE FIRST YEAR

A Workshop

May 1990

P90-17E

WHMIS - THE FIRST YEAR

A Workshop

St John's, Newfoundland
May 9, 1990

Canadian Centre for Occupational Health and Safety

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Canadian Centre
for Occupational Health and Safety

WHMIS - THE FIRST YEAR

A Workshop

Wednesday, May 9, 1990
Radisson Plaza Hotel, St John's, Newfoundland

Wednesday, May 9, 1990

8:00 am REGISTRATION and COFFEE

9:00 am **Welcome and Introduction to the Workshop**
Lillian Vine, Manager, Workshops and Conferences
Canadian Centre for Occupational Health & Safety

9:15 am **Compliance** - How good is compliance? How is non-compliance handled?
Roger March, Director
Newfoundland Department of Employee and Labour Relations

Lee O'Blenis, Occupational Hygienist
New Brunswick Occupational Health and Safety Commission

Discussion and Questions

10:15 am COFFEE BREAK

10:45 am **Industry Experience**
Fisheries
Jim Gill, National Representative, Health and Safety
Canadian Automobile Workers' Union

Terry O'Reilly, Manager, Health and Safety
Fishery Products International

Forest Products
Dave Rex, Safety Supervisor
Abitibi Price

Discussion and Questions

12:00 pm LUNCH

1:30 pm Health Care
David Osmond, Assistant Administrator
Western Memorial Regional Hospital

Service
Horace Pye, Manager, Safety & Staff Development
Newfoundland/Labrador Hydro

2:15 pm **Clarity, Consistency and Interpretation of Rules**
David Phillips, Scientific Project Officer, WHMIS
Division, Consumer & Corporate Affairs Canada

Discussion and Questions

2:45 pm Trade Secrets - Review Commission--Its mandate, its activity
William Lowe, Director of Compliance
Hazardous Material Information Review Commission

Discussion and Questions

3:15 pm COFFEE BREAK

3:30 pm **Concluding Session** - WHMIS--Where it has been, where it is going, what needs to be done
Allan Carter, Employee Relations Officer
Newfoundland Association of Public Employees

4:00 pm Discussion and Questions

4:30 pm **Close of Workshop**

CM POINTS
The American Board of Industrial Hygiene will award 0.5 CIH Credit Maintenance Points and the Canadian Board of Occupational Medicine will award 8 hours of CME Study Credits for participation at this workshop.

SUMMARY

WHMIS - The First Year Workshop, November 7, 1989, was a success on all counts--good topics, fine presentations, interested discussion, and sell-out registration. It was decided to repeat it in Hamilton on January 30, in Winnipeg on April 3 and in St John's on May 9. All continued the same pattern.

At our regional workshops, most speakers are from the region. In both Winnipeg and St John's excellent programs, many developed and delivered jointly by labour and management, were described in industries ranging from hospitals to mines to fisheries.

In all the workshops, participants agreed that WHMIS had increased awareness of workplace hazards and that its implementation had largely gone well in large companies but remained a problem in small business. That training and communication must be ongoing was pinpointed, and there was a fear of complacency developing after the initial flurry. Senior Management commitment and worker participation were seen as essential, as was enforcement. Illiteracy was identified as a major problem.

In general, it might be said that the conclusion of four CCOHS workshops on WHMIS - The First Year was that WHMIS was an important piece of legislation, that it had begun well in its first year, that it held a lot of promise--and that it still had some way to go.

INTRODUCTION

Lillian Vine

Good morning, ladies and gentlemen. I am Lillian Vine, Manager of Workshops and Conferences with the Canadian Centre for Occupational Health and Safety. We are delighted to be in Newfoundland to hold the last in a series of WHMIS - The First Year workshops. We will soon be reviewing the second year.

This is the fourth of these WHMIS workshops. They started when someone called CCOHS looking for answers to questions it would be very difficult for us to answer. How are other people doing? What are their problems? What is happening with compliance--is there a soft approach in the first year, and will it get tougher in the second? Are there many trade secrets? What are people doing so that they do not all have to re-invent the wheel whether in training or in classification? Is anybody working with anybody else? What about imports? What about literacy?

It was suggested to her that a workshop might be a good idea. She thought it would. Obviously others did too because these workshops have drawn together many people in Hamilton twice, in Winnipeg, and now here. I am not sure that you will hear all the answers, but you will certainly learn about some programs. You'll hear about some of the problems, some of the answers, and I hope that you will talk about your own programs and your problems and your answers.

For the first time at this workshop, we have an evaluation sheet. We have not used them before, because I have yet to find one I really like. But we have received comments and we take them very seriously. We appreciate the praise; and the criticism is a way to

help us to improve our service. Because we would like to hear from all workshop participants, we decided to formalize the feedback through a brief evaluation questionnaire. I would appreciate it if you would also comment on the evaluation form itself, so we can improve it too.

You will see on your agenda that we have a number of speakers. Every one of these people has contributed his or her time freely. We do not pay our speakers, we do not even pay their expenses. We give them only our most sincere thanks. We are very grateful for their willingness to contribute to CCOHS in this way.

We have several Governors of the Council of Governors of the Canadian Centre for Occupational Health and Safety in the Atlantic provinces. They have assisted greatly by promoting this workshop. David Clark has been particularly helpful in telling me about good programs in Newfoundland and giving me contacts. Many of them are our speakers. David Clark had an opportunity to attend a management course for two weeks at Memorial University; this was a tremendous opportunity that he could not turn down or he would have been here today. Joan Dawe promoted the workshop in the health care sector and obviously did it well.

I would like to thank Everett Price of the Newfoundland Department of Employment and Labour Relations who is going to be demonstrating CCINFOdisc during the breaks.

In the last session, "WHMIS - Where it's been, where it's going, what needs to be done," we had planned to have a management person and a labour person speak on their respective perspectives on WHMIS. The labour person was Bill Parsons, President of the Newfoundland and Labrador Federation of Labour, who unfortunately found he couldn't be here. I very much appreciate Allan Carter's agreement to fill in for Bill. We do not have an employer who was involved with the original work on WHMIS, but when we come to that session, I would like to read some excerpts from the presentation of Gordon Lloyd of the Canadian Manufacturers' Association at the Hamilton workshop. He was and still is very much involved in WHMIS.

CCOHS applies to the American Board of Industrial Hygiene and to the Canadian Board of Occupational Medicine for continuing education credits. I am pleased to announce that ABIH will award 0.5 CIH Credit Maintenance Points and CBOM will award 8 hours of CME Study Credits to members for participation at this workshop.

COMPLIANCE

Roger March, Newfoundland Department
of Employee and Labour Relations

Lee O'Blenis, New Brunswick Occupational
Health and Safety Commission

CCOHS/CCHST

Lillian Vine

We are now going to start dealing with some of the questions that were asked in that inquiry some time ago. One was compliance. Where is it at? What are people doing?

The first person to speak will be Roger March, Director of the Newfoundland Department of Employment and Labour Relations. Roger is a graduate mining engineer, having graduated from Nova Scotia Technical College. He joined the Government of Newfoundland and Labrador in 1965 as a mines inspection engineer. He was appointed Chief Inspector of Mines in 1974 in the Department of Mines and Energy and served in that capacity until he transferred to the Department of Labour, Occupational Health and Safety Division, when health and safety functions were consolidated in 1979. He has served as a Director in that Division since that time and now has responsibility for inspection services. Roger is going to describe compliance in Newfoundland in the first year of WHMIS.

Roger March

I would like to bring greetings on behalf of the Minister of our Department of Employment and Labour Relations and especially greetings from the management and staff of the Occupational Health and Safety Division. I certainly appreciate the invitation from CCOHS to actively participate in the workshop today; I hope we all benefit from it.

I should like to review the first year of WHMIS in this jurisdiction of Newfoundland by referring to some of the significant events that have occurred.

You will recall that the first version of the WHMIS Regulations was gazetted in July 1988 to become effective October 31, 1988.

Before the distribution of the legislation, WHMIS as a topic started with a fairly comprehensive seminar in June 1988. It was sponsored by the continuing engineering education group of Memorial University and was held in cooperation with CCOHS, who participated, and with our division of Occupational Health and Safety. That kick-off seminar was designed to acquaint managers, plant engineers, inspectors, safety professionals, and labour officials with the soon-to-be enacted legislation.

Following the gazetting, a blitz during the fall of 1988 was conducted by the Division of Occupational Health and Safety in which communities throughout the province were visited by representatives of the Education Section of our Division, who presented four-hour educational seminars. These were held primarily to orient the occupational health and safety committees working with companies in those communities and in the regional areas. The public was also invited, and our records show that 48 seminars were conducted during the fall of 1988.

During the spring of 1989, it was identified that some further amendment would be required of the WHMIS Regulations and they are based on a model which is similar from coast to coast in Canada. The main purpose of revisiting the legislation in 1989 was to tighten the section dealing with confidentiality of information, Section 20, which you will hear more about as the day progresses, and to correct some of the typographical and

typesetting errors in the original draft. It has resulted in the present version which in fact repeals the 1988 version. They were gazetted in November 1989; because of the timing of the gazetting, we were able to remove the transitional clauses that were there for the first year of operation of WHMIS between October 1988 and October 1989.

We now have the "red book" of WHMIS Regulations, available upon request from the Division.

During 1989, the Education Section of the Division continued with informational seminars at locations where the need was identified and to large employer groups requesting such information. Some 45 additional seminars were held during 1989 for these purposes.

We are now moving into what we term the "enforcement phase" of the WHMIS administration where we are, through the efforts of our inspection staff, visiting properties for the purpose of ascertaining compliance regarding labelling, MSDS availability, and most importantly the education of the workforce. Our inspectors are trying to read how the employers in the province have been able to translate the requirements of WHMIS into workers who have been trained. The purpose of this reading is to make sure that the worker handling the controlled product knows what it is, knows the risks associated with it, and knows what precautions to take. That is the fundamental purpose behind the whole exercise.

This inspection phase is getting off the ground. It will be done through our general inspectors and our mines inspectors which means we will have 12 or 13 people in the field in the province. They will do this as part of their normal, routine workplace inspections. We do not have WHMIS inspectors; our inspectors will broaden their mandates for this purpose.

To date, certain directives have been issued where necessary. In keeping with the national approach to WHMIS, we are going from the informational phase into the enforcement phase. It started in a low-key way last year; this year we are hoping to get somewhat tougher, if we need to, about compliance. If our inspectors see a lack of compliance, they will issue a written directive to the employer for compliance. That is the stage we are at now.

Of course, failure to comply with requirements of the legislation of which WHMIS is a part can also lead to further action through prosecution. I hope we are not getting into that sort of situation under WHMIS, but the avenue is obviously open for the total procrastinator, and we will react.

I hope that during the other presentations and through your questions and comments, I will get a better appreciation of your concerns and some of the problems you see in the workplace which we may not have focused on up to now.

Lillian Vine

Our next speaker is Lee O'Blenis who is an Occupational Hygienist at the New Brunswick Occupational Health and Safety Commission, a post he has held for the past three years.

He is a Certified Industrial Hygienist with the American Board of Industrial Hygiene and a Registered Industrial Hygienist in Canada.

Before joining the Commission in New Brunswick, he was an Occupational Hygienist for the City of Toronto, Health and Safety section for two years. Before that, he worked for three years with an occupational hygiene consulting firm and was a lecturer with the Occupational Health Unit at the University of Toronto. Before entering the field of occupational hygiene, he worked for six years as a Certified Public Health Inspector.

He received his Master's degree in Engineering and Industrial Hygiene from the University of Toronto in 1982. He will speak about the situation in New Brunswick and also touch on the other Maritime provinces.

Lee O'Blenis

It is a pleasure to be here. I would like to look at three things. First, the extent of WHMIS compliance in New Brunswick as well as the experience in Prince Edward Island and in Nova Scotia, which I discussed with my colleagues in those provinces. Secondly, I will discuss how we handle WHMIS compliance or non-compliance. Thirdly, I will touch on some of the future trends for WHMIS from an enforcement agency perspective. The New Brunswick Occupational Health and Safety Commission (NBOHSC) is responsible for WHMIS enforcement in New Brunswick.

How good is WHMIS compliance in New Brunswick? In the larger companies, it is very good. WHMIS has been ongoing since October 31, 1988. Some of the larger companies were actually off the mark and running even before that date by having a designated WHMIS Coordinator or a person responsible for ensuring that the three main areas of labelling, collection of Material Safety Data Sheets, and worker training were accomplished.

Larger corporations such as pulp mills, smelters, some of the mines, some corporations such as New Brunswick Power, and some of the universities had done quite well--as close as you can get to total compliance in some cases. One of the reasons is that they have enough human and other resources to designate an individual or individuals to look at specific aspects of WHMIS--someone to coordinate it and to oversee the implementation of WHMIS in their workplace. If you look at medium-sized workplaces such as fabrication shops, some of the paint manufacturers, some of the larger welding shops, you will find varying levels of compliance. The key is whether someone is designated to carry through the WHMIS requirements. For some of the medium-sized workplaces, we found very good compliance; for others not so good as they had not completed all of their requirements.

A few of the small workplaces have done very well, because an individual was interested. I am talking about workplaces with fewer than 20 employees, in many cases, fewer than 10. If they had someone with a keen interest in this area, they did quite well. Overall, I would have to say that most of the small workplaces have struggled to comply with WHMIS provisions.

Looking at workplaces in New Brunswick you can see we have come a long way. Just about everyone will agree that WHMIS is a good thing. There have been some very positive benefits from the whole application of WHMIS in New Brunswick.

However, I cannot say there has been total compliance, because this is not the case. There is still a fair amount of work to do.

How is non-compliance handled? If we look back to the early days in October 1988, we believed our responsibility was to assist workplaces during a phase-in period with an enlightened enforcement strategy. That meant we went to workplaces and tried to help them understand WHMIS.

During the first several months, many WHMIS training sessions were organized in New Brunswick; 1/2-day information sessions were held around the province. Then a one-day program specific to worker training was developed which was given around the province. The aim was not to train workers but to let people know what the requirements were for worker training. Some of the other provinces did the same thing. Prince Edward Island had a one-day overview of WHMIS. Nova Scotia put on two-day train-the-trainer sessions, which tried to train people to do the training in their own workplaces. Eventually, a few orders began to be issued. We have now come to the point where we have issued approximately 150 orders in New Brunswick. We have seen a bit of a trend. The early orders were on everything including labelling, MSDS, and worker training. Now we are finding that our orders deal more with the training aspect. Most of the orders now are being issued to the smaller workplaces where they are still struggling with WHMIS compliance.

The experience in Prince Edward Island is similar to that in New Brunswick. PEI and New Brunswick have been issuing orders for quite a while. PEI has issued approximately 140 WHMIS-related orders. PEI also took the same approach: They first took the educational approach and now they are into the order-writing phase. And as in New Brunswick, most of the orders apply to training.

Nova Scotia has taken a different approach. In Nova Scotia no orders have been written to date. They are still practising an enlightened enforcement strategy. They have encouraged the voluntary aspect and feel that so far they have had good compliance. According to the Executive Director, Jack Noonan, Nova Scotia is willing to write orders but they have not done so at this point, though they may have to in the future. This is a brief overview of what is going on in Prince Edward Island and in Nova Scotia.

In New Brunswick, there have not yet been any prosecutions under WHMIS. Although written orders have been issued, no prosecutions have been necessary. There have been several voluntary work stoppages, mostly on supplier requirements. Any supplier who has been told that s/he is not in compliance with WHMIS either in labelling or MSDS requirements has offered to immediately stop selling the product if a week or two was allowed for compliance. The MSDS or labels were shown to the Commission before sale resumed.

Voluntary work or sale stoppages have occurred in a couple of situations related to non-complying products coming in from the United States. Since New Brunswick is on the border of Maine, some cases occurred where specialty gases were obtained across the border and brought into New Brunswick or where a supplier set up a distribution point in New Brunswick, went into the US, picked up a product and brought it back. This procedure was stopped in the areas where we knew it had happened.

In Prince Edward Island, several work stoppage orders have been issued and the orders were complied with very quickly.

To date, this has been our experience. WHMIS is a required part of a workplace inspection whether it be in a mine, on a construction site, or in a general workplace and we are definitely writing orders.

Let's look at future trends with WHMIS. As time goes on we will continue to see improved compliance, even in the small workplace. For example, I had the opportunity to speak to some final year university engineering students. I was very pleased to find that many had heard of WHMIS. About 4 out of 5 of them had not only heard of WHMIS, but had also worked in a workplace that had given them training. I thought that was encouraging.

Some of the larger corporations in New Brunswick are now requiring those who come onto the site to do contract jobs to have had previous WHMIS training which can be updated as required for the problems specific to that workplace.

Everyone is becoming more aware of WHMIS and the New Brunswick Occupational Health and Safety Commission is doing more specialized information sessions. The hospital situation and the laboratory situation have been addressed in New Brunswick and a number of specialized information sessions on WHMIS geared to the laboratory setting, whether in a hospital or in a chemical manufacturing workplace, have been held. The laboratory has benefited from the exercise of pulling the various pieces of federal and provincial legislation together into a more concise package.

There is a problem in the future and it is developing now. It is complacency. A number of larger workplaces have done a very good job in WHMIS compliance and my fear is that they will become complacent after having completed the worker training, labelling requirements, and the collection of MSDS. They may forget about WHMIS and decide that the person who was doing the job full-time or part-time can now return to his/her previous work. The possibility of a loss of momentum exists. An attempt has been made to alert companies to this problem. Through the Commission's quarterly newsletter, employers and workers have been encouraged to not give up on WHMIS after the first year. They are encouraged to continue to meet the requirements, such as worker training. There is a requirement in our legislation and the legislation across the country to have an annual review of the training requirements. After everything has been labelled, it is important to go back and make sure that those labels are still legible and that they are still there. The whole process has to be maintained.

It is good to collect MSDS, but you have to make sure that they stay current; if new products are purchased, they need MSDS.

WHMIS Phase II is now underway. New Brunswick, Newfoundland, Prince Edward Island and Nova Scotia are involved in it. New Brunswick is an active participant in the Current Issues Committee. I think that we will see some significant changes through the results of WHMIS Phase II in some of the exclusions from supplier obligations.

QUESTIONS AND DISCUSSION

Lillian Vine

One question that has been asked of me several times today is what is happening with CCOHS? I am happy to tell you that we are alive and we plan to be around for a very long time. We have been granted bridge financing by the federal government while we work toward self-sufficiency. Your letters were much appreciated. There was a tremendous amount of support from across the country. I do not think we got copies of all the letters that went to the Minister of Labour and to the Prime Minister, but there were stacks and stacks from people in all walks of life and all parts of this country. We found it extremely encouraging.

Garry Chislett - Newfoundland Telephone Co

Could either of you elaborate on the review of training? We are a company that is regulated by the federal government, but I am sure that the regulations are very similar throughout.

Lee O'Blenis

You had to do worker training, and you have to ensure that your training was such that the worker could work safely and properly. After the first year, you have to do an annual review of your training requirements in consultation with your joint health and safety committee or safety representative. That is in New Brunswick and I feel that it is the same in Newfoundland.

You do not need to do the training again, but to check that your training has been adequate and is up to date; and if you see a deficiency in some area, to correct it. You should be satisfied that the training program has done what you set out to do and be satisfied with the level of knowledge that the workers have in the workplace. I will read the section from the New Brunswick provincial regulations:

> "An employer shall review at least annually or more frequently if required by a change in work conditions or available hazard information and in consultation with the joint health and safety committee, if any, or health and safety representative, if any, the instruction and training provided to employees concerning controlled products."

Roger March

That is an accurate reflection of the legislation in Newfoundland as well. It is nice to see that mirror legislation is in fact mirrored. Our section in Newfoundland WHMIS Regulations under worker education 6(4) uses exactly the same wording. Of course, the new employee is a continuous responsibility.

Russell Tulk - Abitibi-Price

A comment was made that most of the major companies comply but there are problems with smaller companies that are not aware of WHMIS. You also mentioned that some companies

were fined. In Newfoundland, right now we have very few inspectors to enforce WHMIS. After a time WHMIS could go down the tubes because people are not keeping abreast of it and it is not kept on stream by government inspectors.

Roger March

Our experience has been that the larger employers are going to be found more in compliance than the smaller ones. We recognize that there will be small workplaces, many of them dealing with hazardous materials captured by WHMIS, and we are relying on their supplies coming in adequately labelled with MSDS and that if the organization requires more information, it will contact the administration of the jurisdiction.

No doubt we are going to find workplaces this year and next year who have never heard of WHMIS despite the amount of contact that we feel has taken place, just by the nature of the geography of our province and the work inspection force that we have feeding back to us.

Lee O'Blenis

We make it a point that our inspectors in the field look at WHMIS as an important part of every inspection that they make. They may even ask a worker or two if they have had training or ask an individual or two what they are working with as a way of determining whether they have had proper training. I see that as an important part of our responsibility. We have to continue to inspect and to write orders.

I also believe that as time goes on, companies will recognize the benefits of WHMIS. I can think of one specific case where a person was spray painting using a very high pressure spray gun to paint a very large piece of equipment. In the process the gun came across the worker's hand and he actually shot a fair amount of paint right into his hand, which did a fair amount of damage to the hand. When he went to the nurse on the site, she had the presence of mind to grab the MSDS on the product, put it into the ambulance and send it with the worker to the hospital. She reported that the doctor at the emergency department called her and thanked her; there was a possibility that the worker could have lost his hand, but because they dealt with the product properly, the hand was saved. I could tell you several similar stories.

Another benefit is having to look at all the products on site; many workplaces, especially laboratories, have found that they have had all kinds of old chemicals sitting around for a long time, not properly labelled, products they're not using anymore. They have cleaned up their products, cut down their inventories, and have a much more manageable group of chemicals to work with.

Jamieson Miller - Transport Canada

What is the approach your individual inspectors are taking to ensure that workers are trained to satisfactory levels?

Roger March

You might be referring to how we are going to grapple with and solve the question of the contractor on the work site. It is a major concern.

Lee referred to some jurisdictions, I think Ontario was one of them, where construction employees have been issued cards which indicate that they have received "generic" WHMIS training. They might then need only upgrading on the particular substances in particular workplaces. We are having some liaison with the construction association in this jurisdiction, and it may very well prove that something like that is the only way to wrestle the problem.

Lee O'Blenis

In New Brunswick, we have instructed our inspectors when they go to a workplace to ask some very basic questions.

First of all, what kind of training has been done by the management? Often that will give you a good clue as to what is going on. Then to go into the workplace and ask workers a few simple questions. Such as, what are you working with? You might ask them if there any specific health problems, if any special care is needed when they work with this? If they were to respond, "Yes, you cannot use this without gloves," we know they have a basic understanding of the product.

Then we might ask them a question that we know they cannot answer--that's a dirty thing to do. But you might say, is this stuff flammable? And if the response was, I don't know, but I will look at the MSDS and find out, then you know that there is understanding of how to get further information. If they do not know and cannot answer your question "Could you find out for me?" then you know that they do not have any knowledge of what a MSDS is. That's how we look, in a general way, at whether WHMIS training has been done and how well it has been completed.

Cyril Parsons - Blue Crest Inter-Faith Home

I've got an idea that I could share with you. When we started off with WHMIS, I will show you what I did using a ring binder.

A lot of people when given a MSDS have trouble reading it, they wonder how you grade it 1, 2 or 3. I got the stickers for poisons, corrosive labels. For example if a phenomocide came in and one of our workers wanted to identify it, s/he would go to this book. There are about five throughout the building. To know what sticker to put on a phenomocide you open to that page and see there is a poison sticker on it. And corrosive--there is a corrosive sticker. They look on this label--health 1, flammable 0, reactivity 0, personal protection R. Ninety percent of the time, what you see here is what is put on. I also have with me cards which we stuck on the binder. "R" is a picture of gloves or goggles so the worker knows what to wear without going to the book. We also have an outline of emergency first aid procedures highlighted in yellow. If anything did happen, it can be picked up quickly. We take the workers through the whole book. Someone else might find this useful.

Lee O'Blenis

That's the sort of thing that has really paid benefits because now you have a program that you find really works. I know one company which had to label a lot of pipes, valves and vessels and found that the labels were not staying with the products; they often fell off. So they set up a procedure of reusable labels that they would tie on; if a label

fell off a pipe or a process vessel, all someone had to do was pick it up, take it to the main office and slip it into a little box. And that way, the person responsible for labelling would know that a label was missing and be able to get it and make sure that that label was put back on. All kinds of little systems are being set up that really help.

Sandra Strickland - Masonic Park Nursing Home

What happens if an employee won't comply with the standards of the dress code, gloves, goggles? Who's responsible, who's liable? Management?

Roger March

Primarily, it is the employer's responsibility to ensure that adequate measures are taken to protect the employee and the condition of employment generally follows that. It is wise to wear equipment to do a certain task. You do it or suffer the consequences, whatever they may be.

Another way in which this matter can be dealt with is through your joint health and safety committee; that should be at any workplace with more than 10 employees.

Lee O'Blenis

It is the employer who is responsible for the employees. In a situation where an employee will not comply, if we had a call, the first thing we would do is go to the joint health and safety committee to deal with the situation. If the problem was not resolved, we might become involved.

Roger March

When I gave my presentation, I talked of the responsibility of the employer to comply, the way the legislation is worded; I should have said that it is also the responsibility of the employee to comply.

Jerry Doyle - Hope Brook Gold Inc

I am happy to be here. It looks as if it is going to be a good day. Hope Brook Gold is a gold mine on the southwest coast of Newfoundland. We have to deal with a lot of hazardous chemicals--cyanide, hydrogen peroxide, and so on.

I have been fairly happy with our WHMIS training so far; we have orientation for all new employees. Part of the overall program is 4-1/2 or 5 hours of WHMIS training. But if a contractor is going to spend time with us, it would help if WHMIS (at least generic) training had already been done.

I am not terribly happy that we haven't done refresher training other than with people who are directly involved with materials coming on site, like the warehouse people and the handlers who off-load the boat.

Lee O'Blenis

One company in New Brunswick wrote to its regular contractors and said it wanted them to ensure that their employees were WHMIS-trained before coming onto the site. The company followed up on that and it worked quite well.

It really shook up some of the contractors but it got the message across and it improved the WHMIS compliance.

Roger March

I think it has been the practice of most of the larger employers to require a contractor, before entering the premises, to demonstrate that they have WHMIS-trained personnel. That helps the job get done. We rely a lot on this type of an approach from the employer.

Garry Chislett

If a contractor who has been trained brings a product on site, such as a compressed gas, and if for some reason there is not an MSDS on site for the product s/he is bringing in, what are the regulations to govern bringing an MSDS along with the product? Not only for his/her own safety but for those who permanently work there?

Roger March

It works two ways, a contractor could bring on a specialty product that would be a controlled product and suddenly the number of potential exposures increases. I think it would come back to the owning company arranging for the contractor, to recognize the nature of the work and the substances being brought into the workplace before the work commences. If there is not an area where the work can be isolated and there is going to be a general exposure to it, it follows that extra precautions need to be taken while that contract work is going on.

Lee O'Blenis

We would say that the company who owns the property is ultimately responsible even though there is a sub-contractor company, but the contractor also has responsibilities as an employer.

Garry Chislett

I feel that government officials should be circulating more materials to companies, such as follow-up materials like amendments or whatever back-up information would be useful.

Roger March

Certainly we have the responsibility to get information out to the companies. The companies have the responsibility to ensure that it is disseminated to the proper sources and that the employees understand it. We use a number of avenues, but we can always do a better job. We have expanded the coverage of the workplaces that receive our newsletter; it started off to be just to joint committees in our jurisdiction, 800 or so, but now it has gone much more broadly in the general mail.

Lee O'Blenis

We're trying our best. We, too, have a newsletter and we try to get at least a point or two into the newsletter that gets out into the workplaces. But it is a continuing process and it is a constructive, valid criticism that you're making.

Eric Lawlor - Lewisport Wholesalers

I just transferred from Toronto a short while ago. Up until two or three months ago, I did not know what WHMIS was. We had an inspection a short while ago; we handle a lot of hazardous materials in our workplace; it was suggested that we should have a separate building to house our hazardous materials. Being part of a multinational, finding such dollars is not easy. Now that I know what WHMIS is about, I find it a very worthwhile project. What about an educational process for senior management people? Why do not we see more about WHMIS in the newspapers? It would make it a lot easier to find capital dollars to build buildings.

Roger March

I appreciate the point. This aspect of public content was part of the packages in late 1988 and early 1989. It is a continuous exercise. There are people who will stumble into WHMIS in a new venture at any given time or as new employees. Maybe we should revisit it periodically. I am surprised that your associates in Toronto were unaware, because I would have thought they would have been more plugged in and feeding information to you.

Eric Lawlor

Where I did hear about WHMIS was from our occupational health and safety people on the mainland. Those are not the people who control the purse strings; the senior people, the finance people do not really know much about WHMIS.

Lillian Vine

That point was made very strongly at our workshop on Effective Prevention Strategies last week in Halifax. Health and safety is delegated to the health and safety people; senior management need to be persuaded that it is an important workplace issue. Suggestions were made that senior management can be persuaded by the bottom line or recognition from prestige institutions.

INDUSTRY EXPERIENCE

Fisheries:

Jim Gill, Canadian Automobile Workers' Union
Terry O'Reilly, Fishery Products International

Forest Products:

Dave Rex, Abitibi Price

Health Care:

David Osmond, Western Memorial Reginal Hospital

Service:

Horace Pye, Newfoundland/Labrador Hydro

Lillian Vine

When developing this agenda, I looked at industry experience which was highly relevant to this part of the country. Fisheries is certainly one such. I was also looking at ones where there had been a good deal of team work. The team work at Fishery Products International has been so good that I was asked to introduce both speakers together because they would interweave their presentations.

Jim Gill is another Maritimer who has come home. He was born and raised in Prince Edward Island and now lives in Halifax. Until recently, he was Director of the Health and Safety Department for the Canadian Auto Workers' Union where he coordinated health and safety activities on behalf of the 160,000 members who work in all types of industry in all provinces and territories. His activities in this field started in 1973 when he was with the Metro Toronto Labour Council when he initiated the first comprehensive worker health and safety training program at the Labour Studies Centre, Humber College. This has now evolved into the very successful Ontario Federation of Labour Health and Safety Training Program which is the labour standard across Canada.

Through collective bargaining gains he coordinated 40-hour health and safety training programs for over 12,000 CAW members, the largest undertaking of this type in the world. This evolved into an 8-hour+ chemical hazard WHMIS training program for approximately 120,000 CAW members to date. He is a member of the Canadian Labour Congress and Nova Scotia Federation of Labour health and safety committees. He was a founding Governor of the Canadian Centre for Occupational Health and Safety where he served on the Executive Board and various committees. He was a severe critic, an ardent supporter and a salesman extraordinaire. We still talk of the time he fascinated a roomful of people away from a televised Stanley Cup final to watch a CCINFO demonstration.

He served as a Governor of the University of Toronto and participated on a founding committee of the Ontario Education Communications Authority, now TV Ontario. He now serves on a Labour Canada/Canadian Labour Congress Health and Safety Regulations Setting Program. In Halifax he is coordinating health and safety programs on behalf of his union and its recently expanded membership in Atlantic Canada and the story is that he's preparing for early retirement. Does this sound like a man who's about to retire?

Terry O'Reilly has been involved in the occupational health and safety field for some 20 years in a wide range of settings including mining, construction, forestry, government and eventually fisheries. Having left the Newfoundland and Labrador provincial government where he acted as an occupational health and safety inspector, he now holds the position of Corporate Manager of Occupational Health and Safety for Fishery Products International.

Jim and Terry are going to give a team presentation on the WHMIS program in the fishery industry.

Terry O'Reilly

I would like, in cooperation with Jim Gill, to make a presentation specific to the fishing industry and more specific to the company that I work for, Fishery Products International Limited.

To give you a brief idea of the expanse of our operation--Fishery Products International operates with 42 deep sea vessels; 19 processing plants in both secondary and primary processing, 16 of those spread all over Newfoundland; one scallop operation in Riverport, Nova Scotia; and right down into the United States where we have two secondary processing plants in Massachusetts, one in Danvers and one in Boston. We employ over 8,000 people, 6,000 of them in Newfoundland. We employ some 20,000 in-shore fishermen.

So, you can imagine how difficult it is to coordinate and pull together a WHMIS program. I'd like to take you back to the early '80s when the fishing industry fell apart. Around 1983 some of our major companies, such as Bonavista Cold Storage, Booth Fisheries, Fishery Products Limited, National Sea, Nickerson's, all went into receivership. The federal government, the provincial government and the Bank of Nova Scotia were the receivers. The whole fishing operation was cancelled. I'd rather say that it burnt, and from the ashes of the fire there arose a phoenix, a two-part phoenix. Fishery Products International Limited and National Sea were the two survivors.

One of the first undertakings of Fishery Products was to recognize and bring in a health and safety department to pay attention to our 8,000 people. In 1985 the company hired a Corporate Supervisor. He spent a full year recognizing problems we had in our plants and operations. At the same time the company hired a Training Supervisor, realizing that health and safety and training went together.

It took the first Corporate Supervisor, Tom Murphy, about a year to realize he couldn't do it alone. He hired three regional coordinators--one for the western region, one for the Bonavista Peninsula and one for the Burin Peninsula. I was one of those original coordinators. At that time, we had the responsibility for 60 trawlers as well.

It didn't take us very long to realize that we just couldn't handle the whole operation so we convinced Fishery Products International Limited to hire a Marine Coordinator which was done in 1987. The Marine Coordinator recognized the need for more people. You can see that we are developing a pyramid. He was instrumental in hiring 7 Port Safety Officers specific to deep sea ports.

We started to get into occupational health and safety training. I suppose we started where any corporation would start, with supervisory staff. We got into such things as accident and incident investigation, hazard recognition, and finally we started to do some work with our committees. Not a great deal, because all of our safety training was oriented toward our supervisory people.

This is a brief overview of where we have come from. Jim will continue.

Jim Gill

It is important that you look at the two different structures, the union and the corporate structure. What we have is a melding of two approaches which may appear very different initially but when one works at them we find that we have much in common.

Our union, CAW, only recently reached fairly significant numbers in Newfoundland or Atlantic Canada altogether. We have about 160,000 members across the country in just about every industry, every type of workplace. In Newfoundland, the Fishery, Food and Allied Workers Union, about 20,000 members, is affiliated with us. It is not the only fish plant or fishery workers that we represent. We represent people in the industry in Nova Scotia, New Brunswick, and a freshwater fishery in Lake Erie in Ontario.

We also have a relationship with other fishery unions across the country and there are efforts under way now to standardize our training approaches. Our staff presently consists of four full-time health and safety staff members. We believe, and have been working on this for some time, that a lot of the work has to be done inside each workplace. In larger workplaces we negotiate with management to have full-time health and safety representatives. And the number is now 100+. Some of the discussion this morning focused on how to get top corporate bean-counters to pay for full-time corporate health and safety personnel. In some cases you cannot. But we have been very successful in persuading them that instead of having large committees in workplaces, we could trade off a little and have full-time or part-time worker representatives. This works quite well.

We believe that it is not the role of consultants outside the corporations or unions to carry out training programs. They are expensive and you will have trouble getting that by your bean-counters, and secondly, they come and go. When we talk about training programs, we are talking about ongoing, daily, weekly operations; that is no place for outsiders. So, we spend a lot of time training instructors inside workplaces; as of now about 1,200 instructors have been trained in workplaces with which we have contractual arrangements. Not instructors trained in the Nova Scotia model where they tried to train people to teach WHMIS with a two-day training session; these are minimum three-week instructor training programs.

Part of our training program throughout has been that we work at different levels. We have a 30- to 40-hour basic health and safety training program; we have trained over 12,000 members through this program already. We have an advanced health and safety course which deals more with the industrial hygiene operations--how to do sampling and so on; we have trained maybe 1,000 in that. On the chemical hazard/WHMIS training--we call it chemical hazard training--the requirements and the training aspect are old hat. The labelling and the MSDS provisions are new and of course we welcome them because they do give a lot of impetus to get the program going.

But in our union, we have had experience in this kind of training going back a number of years. The impetus for this came from two directions: a number of years ago in the US the Hazardous Communication Regulation, somewhat similar to WHMIS, was passed. We deal with a lot of multinational corporations, like Ford, Chrysler, General Motors, aerospace people like Boeing, MacDonnell Douglas and so on. These corporations put on programs in the US to meet their requirements and in some cases we adapted these programs to suit the Canadian situation; this was prior to WHMIS coming into effect.

The other very strong impetus a few years ago was that in some of the jurisdictions, notably Ontario, enforcement officials started to write orders related to regulations, similar to those in Newfoundland and the rest of Atlantic Canada, that owners were required to train and acquaint workers with all the hazards in the workplace. You may have heard tell of things like DeHavilland and MacDonnell Douglas where we had up to 5,000 people refusing to work because of the large number of chemicals in those workplaces and the process to change over to more modern production methods.

You should be aware that not many planes are bolted or riveted together anymore; they are mostly glued together. And be assured that the glue is strong; it is likely stronger than the rivets. So there was great change in those industries. As a consequence, there were medical manifestations showing up in those workplaces and we had those massive refusals. The legislation requiring training was almost word-for-word what we have in Newfoundland, Nova Scotia, Prince Edward Island and New Brunswick, with few variations. That forced us into looking at massive training programs. In the case of DeHavilland, the order was that training would commence forthwith. The corporation didn't have instructors in place nor did they have much experience in putting a program together; so we had to put together training programs very quickly. These programs were later developed and refined into some of the ones that we are using today such as the Occupational Health and Safety Education Authority (OHSEA) programs.

It was only a couple of years ago that some of us started to get to know Fishery Products International personnel. In the collective bargaining process about a year ago, one of the things we agreed on was a corporate/union health and safety committee with representatives of the corporation and representatives of the union meeting on a regular basis to devise programs that we hoped would be adopted by each individual workplace. We realized that each individual workplace committee has the ultimate power to accept or reject programs, but we tried to get some consistency. In our union, we have these sorts of committees in all our big operations where there's more than one workplace. By and large, they work very well.

Among the many things we do is review and recommend guidelines for plant training and education. This is where we develop our common approach. A lot of work was done; Terry will give you more detail. I would suggest that this is the sort of approach some of you should take; you do not always have the resources in each workplace to put it together. Maybe through the hospital association, maybe through the power corporation, and other work organizations that include a multitude of organizations, it can work very well.

We keep using the term WHMIS. You won't hear it very much from me, particularly when it comes to training. When we look at the requirements in Newfoundland, for instance, Section 5 of the Occupational Health and Safety Act is "train and acquaint, make your workers aware"; Regulation 25 which repeats itself when it talks about putting together programs; then you get the WHMIS regulation. In the federal sector we deal with trawlers; there are all sorts of requirements that do almost exactly the same thing. Years ago somebody took a cookie cutter and went across the country and produced the same type of legislation. We could develop a separate training program that meets Section 5, Section 25, and another one for WHMIS. I think that would be a bit wasteful. So we said we would put together, as we have in other places, a program that covers our backside on all of these requirements. There are no exclusions, absolutely no exclusions.

We do not get bound up in this whole thing of what is a regulated substance under WHMIS. Any substance in the workplace comes under our training program. I think this is a bit of advice you might want to take to heart because you could waste a lot of time arguing whether or not a product in the workplace has chemicals that fall under WHMIS and trying to play legal expert. I think that is very, very wasteful; cover everything!

Terry O'Reilly

The corporate health and safety committee met five times last year from September to December; those meetings were all two-day sessions. We had a lot of things to sort out and we wanted to approach them jointly. We believe in cooperation. One of the first things we did was to have a controlled products audit done in our workplaces. We weren't so concerned about what is a controlled product, but we needed to get a handle on what we had out there. We use ammonia in our freezing systems, chlorine in our purification systems, antibacterial agents, clean-up chemicals, rust inhibitors with our maintenance people, oxy-acetelene, we have acids and caustic compounds--you name it, we have it. We're no different than any other workplace.

We next looked at how to approach the training program, recognizing the theory and believing that the best people to do the training were those in the workplace. The union had already started a program and we had already started a program. Now we decided we would pull it together and we wanted instructors for the individual workplaces. We have 16 plants in Newfoundland and we were mostly concerned with Newfoundland at the time. We took 16 union people and 32 management people. Think about that one for a second. In a conversation that I had earlier this morning with some of you, you said how do you free up management people to do the job? Jim Gill made a statement to me when we started that eventually the union would be doing all the training. I said no they won't because we will have two for one. You can always free up one management person if you have two.

These people were taken through an instructional techniques program, orientation with WHMIS--a one-week program. We pulled all the instructors together and said here's WHMIS, you have your individual workplaces, what do you need? We pulled them together for a two-day briefing session at which time they had input because it had to be specific to the workplace but yet had to come under the umbrella of the WHMIS program as we conceived it. The plant requirements were considered and then of course we had to look at the task of timing--a monumental task.

Some of the materials that were to be used were the Occupational Health and Safety Education Authority information and materials. There's a whole host of it. It is done by the organization in Ontario which is not union, not management, but a joint effort. It takes WHMIS and breaks it down into components. We used overheads made up from that material, and videos. There is a video covering every one of these booklets. We used material that was specific to the plant or facility and in this case we used a trawler as a facility.

We looked at WHMIS core material produced by various authorities such as the Workers' Compensation Board of BC which put out an excellent piece of material. We looked at information and materials from the Workers' Health and Safety Centre in Ontario.

In training our 8,000 people, we wanted every one of them to go away with the information and more. We gave them a health and safety brochure from the Department of Employment and Labour Relations and a pocket guide to MSDS (from Top Tape and Label) which we used

in-plant--they left the program with it in their pocket. If there was any doubt in their minds about what a certain word meant as they read the Material Safety Data Sheet or label, they'd whip out the book and look it up. We used Top Tape and Label in the absence of supplier labels though we do not have a big problem because most suppliers give us the label or have attached the label even to very small quantity containers.

Our instructors from the facilities overall suggested how the program should be run. First, a generic component in which we would do the Material Safety Data Sheet, the labels, so that everybody from the maintenance person to the cutter, trimmer, packer or whoever on the line had the very same information. Everybody in the facility had the same basic three-hour information package--whether they worked in the office, on the production line or in maintenance.

The generic package looked at legislation, federal and provincial, primarily from a booklet. We needed to look at federal because of our vessels. It included the information delivery system, such things as MSDS, labels, and all other pertinent information. There was a section on occupational health, how this affects the worker and what health effects it would have. And control of hazards--there's no use talking about hazards unless you have some method of control, at the source, along the path or whatever. This three-hour program gave a reasonable introduction to chemical hazards or WHMIS. We use both terms.

Then we looked at our chemicals in specific areas. Our cutters, trimmers and packers, for instance, could come in contact with ammonia and chlorine, but they may not need to know about epoxy. Then we looked at plant specific. Some of our plants, such as Refit Centre in Burin, where we do vessel refit, have chemicals from other countries--we have to look for solutions.

It took us a while to get into the program. It was fall of last year before the plants that would be operating in 1989 received the generic training; the chemical specific training would start in spring 1990 (now); and the plant-specific programs would be ongoing in 1990. For plant-specific, we also need to look at retraining. If a worker in one section or division transfers to another, s/he has to receive training in the chemical hazards in that area.

To understand the complexity of our operation, when we talk about in-shore plants, understand that they operate when the fish are there. Some of our larger plants are trawler plants and operate pretty well all year round or at least had been until our resources suddenly got short.

We had a meeting of the corporate health and safety committee on September 26 and 27. We confirmed the material was presented to the corporate committee, we looked at it and said we would go with it. In October, we had an instructor training session. There were some people who had not been trained previously and we needed to bring them up to strength. We had an instructor briefing on October 23 and 24; the people doing the training need to know the material they're going to present.

We started training on October 30, 1989. We started in the plants that were operating at the time, Grand Bank, Marystown, Burin secondary, Refit, Catalina, and Ramea. In 1990 when the others started up we would bring in the rest of the instructors and brief them. We didn't do it back in October because there would have been a three, four or five month gap and it is easy to forget. As our plants started up, the generic training would start.

Here are our results to date on the generic package. In Marystown, 60% of the 1,200 workers have been trained. We started last year, and the plant has not really been shut down; but there are complications. January, February, March and April are northern cod season. We have 42 vessels actively pursuing the cod. They are bringing in between 300,000 and 400,000 pounds of fish per trip. They are very short trips and they are back in again in about four days. Our processing facilities are jammed solid with fish and we need every available person we have to cut and process and package this fish. So we had to leave people on the line. It has slacked back now so the training is going on.

Burin Refit--we're 100% complete, about 120 maintenance down there. Burin Secondary plant is completed, about 150 to 200 people. Grand Banks--75% complete, about 450 people. Ramea--100% complete, about 400 people. Catalina--75% complete, out of about 1,200 people.

We have approximately 2,400 to 2,500 (50%) of our 5,000 plant workers trained. By the end of 1990, all the plant workers will have received and completed the generic package and the plant specific will be initiated. Both plant and trawlers will have finished the generic part and the specific will have been initiated. We should be about 50% complete by the end of 1990.

Jim Gill

We have a lot of beefs about what is happening out there. Some instructor training programs purport to operate by giving the instructors-to-be material on WHMIS and sending them out. Our objective was to have trainers who could not only present material in a comprehensive manner but could also answer questions. What we are trying to do is to train people not to just pick up a bunch of MSDS and try to decipher them--we try to train them so that they understand what is in those MSDS. Most people have some difficulty understanding them. We are working to develop and use material that the average worker can understand. And I guess we rely on the Canadian Centre for Occupational Health and Safety for this because it is the one organization in the country that is trying to take quasi-scientific information and put it into lay terms. So if you think that by putting MSDS out for workers you are meeting the requirements, you're wrong. You are really not meeting the requirements for WHMIS at all, because the legislation requires not only that information be available but that workers understand its significance.

I suggest, as an objective test, that we should be able to ask every worker questions about what s/he is working with and that worker should have basic knowledge. This is not easy; it requires us as a union to review some of the training we are doing. Our training sounds great, but we are finding it to be inadequate.

In some provinces, such as Manitoba and Ontario, inspectors have put that same objective test to workers; workers, by the way, many of whom have been trained for 40 hours, not 3. They cannot meet the criteria of knowing what they are working with. And so we are now looking at another component of the program and that is how we get that review process in there. Who does it? We see a bigger role for supervisors and union representatives in the plant to be constantly reminding workers. I would suggest that if this sort of objective criterion is applied in some provinces, it will be applied in this province as well. As a union, we are going to apply it.

Some may say, "This is Fishery Products, what are you doing with the rest of the fishing industry?" In Newfoundland we represent about 20,000 people; this is the same sort of program we are instituting in all their workplaces. We would like to see and I am glad to hear that the Department is moving into a phase of following up. Because what we hear from the rest of the fishing industry and other operations in Newfoundland is that no one is really pushing it. There were a great many information meetings, but it is left sitting there. Before WHMIS, in every province in this country, there has been legislation for at least 20 years that requires every worker to be trained and acquainted about hazards in the workplace.

This is a criterion we are trying to meet. I suggest there are a lot of things missing in the available programs. One of them is that there is not much training material that applies directly to the fishing industry, whether shore based or ship based. A few things may be happening to improve that, but I think you will find the same sort of problem no matter what industry or work you do. I understand there are a lot of hospital representatives here. Very little material has been produced cross-country to deal with your specific situation; it is unfortunate. But I think it will be produced as the process of training evolves.

Terry O'Reilly

I would like to thank CCOHS for the opportunity for Fishery Products to be represented. This brief overview of the program we instituted gives you an idea that it can be done and I would certainly recommend that it be a joint project. The workers have to be involved. It lends credibility to the whole program and it flows along much more smoothly.

Lillian Vine

Dave Rex was born in Port Rexton, Trinity Bay and attended Memorial University of Newfoundland. He spent 20 years in the mining industry, both open pit and underground, all of them in the health and safety field. For the past nine years, he has been Safety Officer with Abitibi-Price Inc at Stephenville.

He is very involved in health and safety at the provincial level. He has served on the Board of Directors of the Newfoundland Industrial Health and Safety Association for 12 years and just finished a two-year term as President. He is presently serving a second two-year term on the Advisory Council on Occupational Health and Safety to the Minister of Employment and Labour Relations.

Dave has also been very active in community affairs, especially youth movements. He was admitted to the Order of St John in 1986 and was awarded the Canada Volunteer Medal in 1989. He has had extensive dealings with WHMIS; he has attended conferences in Toronto and was a workshop leader at a two-day conference on WHMIS sponsored by Memorial University of Newfoundland in June, 1988.

David Rex will speak on the experience in implementing WHMIS at Abitibi-Price.

Dave Rex

One slight correction to that introduction. I just got roped into another two-year term as President of the Newfoundland Industrial Health and Safety Association!

When we finally heard that WHMIS was here some two to three years ago, there was a great feeling of relief and accomplishment. As most of you are aware, it was a tripartite agreement, and when you can get 10 provincial governments, a federal government, two territorial governments, representatives of labour and representatives of industry across this great country of ours to come up with something jointly, together--that's the bunch we want handling Meech Lake!

This year, 1990, I am working towards my 29th year of full-time involvement in occupational health and safety. I have seen constant improvement and advancement in the field of health and safety; I have seen a few milestones over the last quarter century that had or have the potential to do us a lot of good. For me, in Newfoundland these have been:

The consolidation of all the bits and pieces of our safety legislation into one comprehensive Occupational Health and Safety Act and Regulations. This was done in 1978 and 1979. One of the great things that came out of that consolidation was the right and the responsibility of a worker to refuse to perform unsafe work--a major milestone.

Coupled with this was the establishment of mandatory joint occupational health and safety committees in the workplace. We have had them in most industries. A lot of industries have had committees for years, but the mandatory nature was a big step.

Another major milestone which was national, not provincial, was the establishment of the Canadian Centre for Occupational Health and Safety. Again, under tripartite agreement.

And most recently, WHMIS.

While WHMIS as a formalized piece of legislation is still in its infancy, the concept is certainly not new. Many companies had a local version of WHMIS in place, although under other names.

For example, in 1983, our Division in Stephenville developed a Hazardous Chemicals Manual. Basically, we drew up our own single sheet MSDS for each of the chemicals that we had in our plant. This manual was distributed to all departments, the RCMP, the fire department, the local hospital. Anybody familiar with the MSDS knows the nine requirements; we had ten.

The major advantages that I see with WHMIS being formalized is the mandatory provision of MSDS. Now we have access to the information. Before this, all we had was the right to refuse to buy a product. You tell me what is in it, or I won't buy it. We had no guarantee that the information supplied to us was accurate or complete. WHMIS has basically answered that problem. And, of course, the requirement under law to do mandatory training.

In our case, in anticipation of the provincial legislation we went into action as soon as possible after the federal legislation was put in place (June 1987). Our company had a three-day information seminar for safety people in Toronto. We then took part in the two-day workshop at Memorial University in June 1988.

We realized there was a probability of subtle differences between the federal and provincial legislation, because we cannot all agree to do the same thing. We had the federal legislation; Ontario went and added a few things to make it a little bit different; Quebec then came out with theirs which, of course, was a little bit different. And if you think they could do things differently, you just wait until those Newfoundlanders get hold of it! We did not really get into high gear until the provincial legislation was published in August 1988.

In keeping with the intent as well as the letter of the law, we, in conjunction with representatives of all our safety committees from Stephenville, our operations in Grand Falls and our shipping operations in Botwood, met for a two-day session. We reviewed what was available in the province that met the requirements of the legislation and we picked a program off the shelf which we then tailored to our own specific needs. The one that was unanimously selected by our group was the WHMIS modular training put out by Canwit handled in the province by Plant Protection Services out of Dunnville. I am not trying to promote this system over anybody else's--it suited us.

This program provides for a three-day intensive instructor training program. It provides a workbook for each student. It provides a written exam and it provides a certificate and a record of training. Most of those chosen to be instructors were members of the union. In fact, in our mill in Stephenville, we selected six people to be instructors; four were from the union and four of the six were members of the occupational health and safety committee.

Our four-hour generic program, was completed by the end of the first quarter of 1989. It is now a part of our indoctrination program for new employees, summer students and anyone else who comes through the gate.

Our plant-specific training was intended to be done by the end of 1989 but I ran into some medical problems last year and was off for five months; since I am the coordinator, that sort of threw things off schedule a bit. We now plan to have it completed by the middle of 1990. Our program was developed by five of our six instructors; we took two days to put together a plant-specific program which basically consists of a videotape overview of WHMIS and the actual chemical families that we have in our plant. We selected an acid, a caustic to cover alkalis, a grease to cover oils, a solvent, a bleach, and a dye. This plant-specific program is 3 to 3-1/2 hours.

To date, we have approximately 50% of our people trained in the plant-specific program. I have heard nothing but good comments on the program. Most of our secondary training has been done by the Union Co-chairman of our safety committee, Russell Tulk, who is here with us today.

Everything that we have done has been done in conjunction with the safety committee. We have worked very closely together, and I can only reiterate the sentiments of the previous speakers that that is the only way to do it.

While WHMIS is very positive and exciting, it is far from perfect. There are problems and questions which will have to be addressed over the next few years. Some specific areas of concern for me are:

We're putting so much emphasis on WHMIS that anything not covered by WHMIS is being deemed to be okay. People tend to look for a WHMIS label, and conclude if there is no WHMIS label, the product must be safe.

Materials and supplies coming into the plant that are not controlled substances under WHMIS or any other legislation are arriving on site in unmarked containers. There is no legal requirement for them to be marked, but it does create problems for our receiving people. They have no way of knowing when they see a drum whether it should be covered by WHMIS or not.

Small industries are going to have problems. We have something like 12,000 to 14,000 registered employers in this province. We have 13 inspectors according to Mr March. That's one inspector per thousand employers. They have got a lot of work to do.

We have meager resources in this province to deliver and enforce a program such as WHMIS along with all the other programs and legislation.

The larger unionized companies will do very well with WHMIS. We have got to get the initiative out there for the smaller, non-unionized companies. I do not see too many small, non-unionized companies represented here today. I feel sometimes like a clergyman preaching to the converted. Most of the people here are interested and dedicated to WHMIS--that's about 30 different companies represented here today out of some 13,000. Ladies and gentlemen, we have got a way to go to get the message out.

Lillian Vine

Thank you very much, Dave. There is a lot of enthusiasm and a lot of success. We will gladly come back and do a workshop for the other 12,000 employers, but you've got to spread the message.

QUESTIONS AND DISCUSSION

Max Renouf - Fisher Institute of Applied Arts and Technology

I want to say that I am very impressed with the training programs presented here this morning. We certainly would like to be part of that. Fisher Institute is a representative of post-secondary education, non-university, in this province. We believe that occupational health and safety is very important and we emphasize it throughout all our programs. We have recently hired a person qualified to work with WHMIS and get our house in order. We're advocating that an occupational health and safety course be required in all our programs.

My question is, does industry see a role for post-secondary education, and if so, how does industry see that we should go about it?

Terry O'Reilly

A fine question, Mr Renouf. We have become very concerned in the fishing industry. I know it is very difficult for any educational system to be very specific to our needs. But I think if it were done partly at the institutes it could be continued at the workplace. A lot of the employers either do not have the means or do not take the time to safety-indoctrinate people.

Dave Rex

There is a lot of effort by different associations to get occupational health and safety training into secondary and post-secondary educational institutions. We think it certainly should be a component of secondary education.

Mary Shute - Argosy Seafoods Ltd

I must say that I have thoroughly enjoyed all of the speakers, particularly Terry O'Reilly and Jim Gill as associates of the industry I am involved in. Unlike FPI, my company is a small concern and has difficulty putting education programs into place unless it brings in consulting firms which cost an arm and a leg. We first heard of WHMIS in early 1989 by attending some courses sponsored by Seafood Management Education. Dave Candow, who is here today, made some of the presentations, along with other health and safety officers and it was very worthwhile. He directed us back to the Department of Occupational Health and Safety to hook up some materials to put together an educational package without bringing in a consulting firm.

Sad to say we met with a dead end there. Then while attending the Occupational Health and Safety Annual Convention in St John's, I brought this concern to the floor and was helped very much by a young man from Corner Brook, Ralph Ellsworth, who is with management at Northstar Cement. He had put into place a small training program himself and was very willing to help out.

From the very interesting package he sent to me, I, with our health and safety committees, devised a small education program. We started by showing some overheads, some excerpts from the WHMIS core material manual, and we got our occupational health and safety committee, both union and management, involved.

To this point we have only trained about 30 people out of 350 we employ. These are the main people dealing directly with the materials covered under WHMIS that we have. But we would like to get into more extensive training. Watching Terry O'Reilly and Jim Gill present their system (even though they're in a large corporation), I am sure that some small companies could put it into place by getting their union and their company officials involved in instructor training.

I just want to share with you a couple of things we have used that I found very worthwhile. One was mentioned by someone else, a WHMIS core material manual. It is a resource material manual, application and implementation of WHMIS. It is put out by the WCB of British Columbia. We are also in the process of having reprinted a WHMIS pocket dictionary, which came from the Northstar Cement group in Corner Brook.

One thing that really concerns me is education of the fishermen. Who is responsible for WHMIS education? Just a short time ago, a fisherman asked me to send him "some of that pink powder to clean my boat." To him, that is all it was, pink powder. It is called Diversol, a controlled product. So, I proceeded to send him the pink powder, a copy of the Material Safety Data Sheet and a memo stating that it was covered under WHMIS. Only to get the remarks, "What is this all about?"

Jim Gill

Have we got a couple of hours? Although the example we gave was for a large corporation, Fishery Products International, much of our work is with organizations, corporations and workplaces that are very small, even smaller than yours. These same types of training programs are put together for these people. The biggest problem is training instructors; through a lot of cooperative efforts, there are a lot of instructor training programs put on in this province. I think I can help you. The materials are available. Terry will tell you that the materials we use at FPI are not necessarily all ours.

Lillian Vine

We're continuing to look at industry experience which appears to be very good in Newfoundland. Some of you had problems, I expect that was not unusual. Small business especially faces many problems. In the health care industry, there are varied types of organizations from very large to very small.

David Osmond, Assistant Executive Director, Western Memorial Regional Hospital will be speaking of the problems, the solutions or the progress towards the solutions to the problems in the health care field. David Osmond tells me his hospital is on Newfoundland's beautiful west coast. I hope one of these days to be able to spend more time in Newfoundland and see all of it, which I understand is very beautiful.

David Osmond holds a Bachelor of Commerce degree from Memorial University and a Diploma in Hospital Administration from the University of Toronto. His responsibilities at Western Memorial include both paramedical and support service areas. Additionally, he is charged with co-chairing the occupational health and safety committee at the hospital and generally overseeing the development of programs in this area to meet both hospital accreditation and legislative requirements.

David Osmond

When I was first approached about speaking at this seminar, I was asked whether I would talk about how the health care system had coordinated itself to meet the requirements of WHMIS. I said, "Well, it didn't." And there's nothing else to say. But having put my foot in it, I guess I can talk about what we have done at Western Memorial.

WHMIS deals with controlled products, it does not deal with every hazardous product that exists in any workplace. That is a message that has to be included within any education program that we provide within the health care sector or anywhere else.

WHMIS is within the context of the occupational health and safety legislation of the province of Newfoundland. Within that context there are two very important things to think about. Those are, what are the responsibilities of the employer and those of the worker? The act and regulations describe these in some detail: "Every employer shall ensure, so far as is reasonable and practicable, the health, safety and welfare of his workers." With or without WHMIS, that is the employer's responsibility.

"Every worker, while at work, shall take reasonable care to protect his own health and safety and that of his fellow workers and all other persons at or near the workplace." That hasn't changed. WHMIS is within the scope of the Occupational Health and Safety Act.

One of the questions that we recently discussed at Western was: What if somebody refuses to wear protective equipment? In the regulations that exist in this province, it is the responsibility of a worker to wear the protective equipment that is necessary whether or not it is provided by the employer; the employer should be providing it.

It was also mentioned this morning that WHMIS is not really new. When I was preparing this presentation, I noted that in the 1978 Occupational Health and Safety Regulations there are a number of requirements in Section 25. I'll summarize them.

There should be constant review of the use and presence of chemical substances; wherever practical, substitute a safe or less hazardous substance; prevent exposure of workers; take all reasonable steps to ascertain from suppliers the chemical formulation and precautions that need to be taken; within six months of the coming into force of the regulations (1979), compile a list of chemical substances; keep this list current; educate and train workers, including supervisors; and take responsibility for the storage and transportation of the substance and the marking of containers. Does it sound familiar? WHMIS did an excellent job in improving upon that sort of regulation. WHMIS has taken the mystery out of attempting to respond to that type of legislation.

Back in 1979 I recall asking if that included every drug in our pharmacy. Let me tell you, that's a lot of drugs, that's a lot of chemicals. Chemicals can be good, but they can also do harm. The Federal Department of the Environment has just now, in 1990, circulated a guideline for discussion in preparation for the government's green plan dealing with the environment; that document states that there are approximately 100,000 chemicals in the world, about 30,000 in Canada, with about 200 or 300 being added every year. How can you keep up with that?

WHMIS helps us to resolve that problem by putting in place a system. It wasn't stated back in 1979 that typewriter ribbon was a chemical substance or a hazardous product or a controlled product that we might need to be concerned about. But the Material Safety Data Sheets show that there are some types of typewriter ribbons that are controlled.

It would be a fair assumption that compliance with the 1979 regulations in the health care industry, like other industries, was less than ideal as a result of the sheer number of chemicals and the lack of a system. WHMIS has done more for safety than anything else in the 10 years that I have been involved with occupational health and safety. WHMIS has become almost a household word. WHMIS was well known within our hospital before we started sending people to educational sessions. At Western we began to say, "We must WHMIS."

What was the response within the health care system? The first response was, "What--more regulations?" And you have to understand the health care system. As more regulations are placed on it and as they become more expensive, there is a sense that this is shifting the dollars away from our product, which is health care to patients. Statutory costs in health care are quite significant. There are 14 participants from the health care sector in this room. I think if you asked any of them, or any nursing home or hospital in this province, does that mean that we should not attempt to comply with WHMIS because it is expensive or time-consuming or it is a new regulation? I think the answer that you would find is a resounding no, we should be attempting to comply.

And the health care industry has attempted to comply. The response within the health care sector has been slow, but it is progressive. June 1988 was the first time we sent anybody to an educational session; more has been done in the past two years with regard to chemical substances and the right-to-know than there has been in the 12 previous years. And we are not yet fully compliant.

I did a "major research" project one day last week; I called a few hospitals and departments of labour outside of this province to check if other hospitals and provinces are much further ahead than Western Memorial or my sense of where this province is. It proved to be a very good exercise.

A respondent from PEI said that WHMIS seems to fit very well within hospital quality assurance programs. Only one nursing home that I spoke with in this province said to me that they felt they were fully compliant. And I pat them on the back for that. One hospital had done training and an inventory of controlled products was in process. Some labelling had been done. Another nursing home had done training; the labelling had been done and now they were doing a complete inventory of all their products.

At Western Memorial, we established a very small WHMIS Implementation Committee which consisted of me, our director of purchasing, our director of laboratories and a staff educator.

The first thing we agreed to do was to get the Material Safety Data Sheets. That responsibility we gave to purchasing because that's the stage when they should be obtained. We found we couldn't always get them, that we sometimes got conflicting information and that those from outside Canada might have standards that were not relevant to Canada.

The second thing we discovered was that consultants were coming out of the woodwork wanting anywhere from $3,000 to $30,000 to assist us to implement WHMIS. We chose not to go that route initially. We chose to try to make our program home-grown. The only educational program that we did attend was the generic program offered by the Occupational Health and Safety Division. We hit that one in droves.

Occupational health and safety committee members went, infection control nurses went, staff health nurses went, managers selected from areas that had most of the controlled products went. We were training our leadership.

The result is that WHMIS was talked up quite considerably within Western Memorial and it came alive. Posters went everywhere, people were talking about it. MSDS were starting to come in. We have approximately two feet of MSDS right now. Now we have another

problem shared, I am sure, by other industries with many sites. How do we get them around the building? Again, we fell back to purchasing. They would provide it to the department that did the ordering. But, within the hospital some departments actually ordered from other departments, not from purchasing. So we chose to consider that supplying department in the same way as WHMIS considers a supplier to the hospital; they have to supply the MSDS when they send the product to another department. There is a process to update the purchasing department.

While we found that the Department of Labour program was very good in a generic sense, it did not have a "hospital feel" to it. By the time we were developing the education program, we had an expanded committee including four or five unions going through the process.

We redeveloped the program to suit what we thought were our needs, but it was not until October 1989 that that program actually got off the ground, about nine months late. But while we were doing that, we started getting calls from other institutions, saying I hear you have a good education program on the go for WHMIS--can we come? So other institutions started sitting in on the program.

We quizzed staff at the end of each program. The bipartite committee reviewed every response. If a question produced wrong answers repeatedly, its wording had to be improved. I recommend that. The bipartite committee established the passing mark; they felt it had to be very high. Our requirement is to know they know.

In the meantime we have made a video of our WHMIS education program. We have a fairly good coverage rate, but not 100%. The video has been used for the orientation of all new staff. This month we are starting our review of the education program to see how we can improve upon it; I think we will significantly improve it, having had a year's experience.

Our next step is a departmental education program. We started that by trying to ensure that all of our departments have their MSDS in place, and that there is no controlled product on site without one.

We involved a consultant at this stage to tour the hospital and identify both controlled products under WHMIS and dangerous goods according to the Transportation of Dangerous Goods and give us a list. We also phoned three other institutions in the area considerably smaller than Western Memorial and asked if they would be interested in having this sort of inventory done? They all were, so these smaller institutions were able to benefit by having their inventory done, probably at a lower cost.

In the education program, we are still finding some people who do not make the grade, some for the second time. Some of them are managers. We do not quite know what to do about it.

Some institutions have contacted us and said they are just starting their WHMIS programs. If the enforcers go out next week, they are going to catch a lot of people not compliant with WHMIS. A few in the health field are going to be embarrassed; and, I suspect, from listening this morning, a few outside the health field as well.

We were pleased that when the consultant completed the inventory recently, he favourably commented in his report on the stage of WHMIS implementation at our hospital. We paid the consultant, mind you, but we didn't pay him to say that. We are very pleased that there is evolving a little network "where people help people" in western Newfoundland.

We need to talk about some things that are important in the future for WHMIS. I haven't heard reference to literacy this morning. If you are honestly going to meet the spirit of WHMIS, you had better be concerned with literacy. There are some folk that may never make the grade in terms of the education programs provided; that doesn't mean you throw them out on their backside, it means you try another method to reach them.

A problem that was mentioned this morning, was the number of inspectors to enforce the regulations. Call me naive, but I do not think enforcing the regulations per se is enough; we should start thinking instead of compliance assistance from the regulators. That would substantially change the role of the inspectors and our image of them.

There is a responsibility, I believe, on the health care system to assure itself that it is meeting the regulations of occupational health and safety, WHMIS being one. And an awful lot could be achieved if the health care industry could coordinate efforts towards meeting the WHMIS requirements. There are 14 health care organizations in this room today, approximately 1/4 of the hospitals and nursing homes within the province and I would hazard a guess that this may be the first time they've ever sat in one room together and talked about WHMIS. Industry audits would be very useful to us.

Hopefully at the next workshop, the speaker will be able to say that the health care industry is coordinated to meet WHMIS requirements.

Lillian Vine

Thank you very much, David. For an industry that you say hasn't done very much, you sound like you are well on your way.

Horace Pye is a graduate of the Corner Brook public school system and Memorial University in Newfoundland. He's a Canadian Registered Safety Professional. He holds a technical and vocational instructor's certificate from the Province of Newfoundland and Labrador. He's an Accredited Safety Auditor of the International Loss Control Institute. He belongs to the American Society for Training and Development, the Canadian Vocational Association, the Canadian Society of Safety Engineering where he's the past Chairman of the Avalon Chapter and past Chairman of the Health and Safety Section of the Canadian Electrical Association.

He is presently Manager of Safety and Staff Development for Newfoundland and Labrador Hydro.

Horace Pye

I am honoured this afternoon to present Newfoundland and Labrador Hydro's position in WHMIS. Newfoundland and Labrador Hydro is a crown corporation generally referred to as

The Hydro Group. In the group, there are four companies: Churchill Falls (Labrador) Corporation, Twin Falls Power Corporation Ltd, Lower Churchill Development Corporation, and Gull Island Power Co Ltd.

We have approximately 1,200 employees, but when compared with other utilities in Canada, we are relatively small; Ontario Hydro has approximately 30,000 employees and Hydro Quebec approximately 25,000.

We have several Hydro generating plants in various locations on the island with a large plant at Churchill Falls. We also have a thermal generating plant at Holyrood; a wood fired chip plant on the Northern Peninsula; and three gas turbines, one west, one east, and one in Holyrood. We have approximately 25 diesel generating plants from Nain on the Labrador coast to English Harbour on the south coast of the island.

As you can see, instituting WHMIS was a gigantic problem to us because of geography and numbers. To get the program up and running we appointed a WHMIS Coordinator--our Corporate Loss Control Coordinator. Being involved in the International Safety Rating System from the International Loss Control Institute gave us a lot of room to move in WHMIS because we had already developed an inventory. On a regular basis, an Engineering Co-op Student, as part of his/her program, maintains the system for us--it is good for us and good work experience for the student.

Training is important. Our trainers have been trained in the Train-the-Trainer program and are almost equally divided--50% union and 50% management and generally are members of the occupational health and safety committees across the system. In the Train-the-Trainer session, we initially trained 26 employees in 1988 as trainers. In a 3-1/2 day session we placed a fair amount of emphasis on how to instruct, how to get up in front of a group, how to have a timetable, and how to look at the job.

We knew that all employees had to be trained in WHMIS so we developed a booklet, "The Right To Know, The Employee Handbook." We placed the emphasis on the Material Safety Data Sheet, in which the Instructor relates the MSDS to the inventory in the area. There is a review questionnaire at the end. On completion of the program employees are given a pocket card certificate that certifies they have been trained in WHMIS. We have also developed a pocket guide to WHMIS as part of that program--nothing new, we are masters at plagiarizing. Printed on the inside front cover is our Loss Control Policy signed by our Chief Executive Officer, and as noted earlier "commitment from the top down is vital." I think we have that commitment.

Program materials being used in the Train-the-Trainer sessions are from the Canadian Society of Safety Engineering BC Lower Mainland Chapter. Our reference book for all our trainers is the WHMIS Core Material from the Workers' Compensation Board in BC, which we find an excellent reference.

We have a corporate-wide inventory, all of which is programmed into our system so we can get a computer print-out. All the inventories are sent to the areas for verification. We are now in the process of getting Purchasing involved. We are trying to establish a part number, the same as if we buy a part in the maintenance area, where we automatically set up a requirement for a MSDS at the time of purchase. This system will then drive the

MSDS which, in the Gemcon system that we have, will also produce our labels. We are hoping that this will be automatic when we get everything in place. For MSDS, we are also tied into CCINFOdisc, which is an excellent reference source. Our workplace labelling is driven by MSDS. The supplier labels of course come with the package.

Other hard copy materials being used for reference are National Safety Council data sheets, General Electric data sheets, Canada Safety Council, and the American Industrial Hygiene Society.

The inventory system is the key to what we do. We have the inventory corporately and at each location. On this system, we can change the expiry date on the MSDS; delete or move an MSDS from one place to another; print a list to give expired MSDS, MSDS at one location, or a complete listing of MSDS; find where a particular product is located; and create a new MSDS for a new product.

That's a very quick spread of what we do at Newfoundland and Labrador Hydro. We are not perfect. We have made a lot of mistakes. We do not have all the answers on WHMIS. It is working well in some places; in others we have problems we are trying to iron out.

QUESTIONS AND DISCUSSION

Derrick Bishop - Waterford Hospital

This is directed to Mr Osmond. In your Staff Education Department, do people in housekeeping, dietetics, maintenance have a longer training session than psychologists, nurses or social workers?

David Osmond

Our education program is done in two modules. The first one is a global module and the second is at the departmental level. Last fall, the three-week session was at the global, or generic, level. It dealt mostly with the regulation, the requirements, introduced labels, and talked just a little bit about the chemicals around the hospital that would be considered controlled products. That session is the same length for everybody.

We are just starting at the departmental level. I would expect the answer to your question to be yes; in our laboratory, for example, you might find a booklet of MSDS a couple of inches thick. In the psychology area, it might be only two sheets of paper. We hope that the education can be given by the department heads, but many of them are nervous about providing educational sessions and we have to provide some assistance.

Derrick Bishop

At the Waterford Hospital, we initially were spending about three hours on the generic part and we have cut it back. The departmental session will be done by supervisors in the area.

You mentioned the WHMIS Committee that you set up. I am very involved with the union, so I have to ask this question. Most of the people that you mentioned were management people. Is that so? Or do you have union involvement as well?

David Osmond

We have union involvement, yes. The implementation committee was made up of the people that I identified: the director of purchasing, the director of the labs, a staff educator, and me. Our first objective was to initiate the process. As we moved along, we involved people from the occupational health and safety committee or individuals chosen by the union.

Five worker representatives have been involved, one for each of 4 unions and one non-union individual. There's a small group that is neither management nor union in our hospital.

Jim Gill

I gather from your remarks that you are dealing with WHMIS requirements exclusive of the other requirements under the Occupational Health and Safety Act.

David Osmond

Yes, we have a WHMIS Implementation Committee which is actually a sub-committee of the occupational health and safety committee.

Jim Gill

How do you deal with the other requirements on chemicals of the Occupational Health and Safety Act?

I gather from your remarks that you are dealing only with controlled products that come under the WHMIS classification. Do you have similar programs to deal with the rest of the chemicals?

David Osmond

No, we have not initiated any particular program; we are trying to work through the WHMIS stage first. There have been some products that, for example, our Director of labs has said are hazardous. I would just as soon handle them in exactly the same way as we handle a controlled product if for no other reason than a) it is easy for me and b) it gets the information out to the employees.

Jim Gill

A question to the panelists--do people have a lot of health and safety training as a base before they go into the instructor training program?

David Osmond

We have not trained any instructors yet.

Horace Pye

In our case, yes they do, Jim. When we set up the instructor training program, we asked each area for the people involved in the health and safety committee and we specified people with certain credentials, not necessarily academic ones.

We deal with WHMIS as part of our safety program and we have it specified in a section of our safety manual.

Bill Nugent - City of St John's

Horace, can you comment on your company's dealings with literacy?

Horace Pye

We have had problems. I'll give you my own opinion as an adult educator. I believe that you treat illiteracy in the workplace by making people feel comfortable. We have had one person work with each person with literacy problems; we let them go through the program and we ask the questions orally, they give the answer which is written down by the other. We've done that for two or three people.

Ruby Harris - Harbour Lodge Nursing Home

Obviously, your workplace is a lot different from a lot of others. In response to what Jim was saying, with regard to the products not covered by WHMIS, we did an inventory in our institution and we tried to obtain a Material Safety Data Sheet on all products. I found that you can usually get it either from the supplier or the manufacturer if you write them a letter.

Some of us from different health care institutions were talking at lunch-time; this is a great way to share information. I would like to mention that I have some catalogues others might be interested in with literacy signs.

David Osmond

At Western Memorial, we request, through our purchase orders, a MSDS if the product is controlled. And if an MSDS comes in for any product, we treat them identically without thinking about whether it is controlled or not.

Roy Foster - Corner Brook Pulp & Paper Ltd

We found that if there are other products in the workplace that do not come under the Controlled Product Regulations, very soon after the employee is trained, s/he will be back looking for information. We sent for information on products that are not WHMIS controlled products, and we've just included these in our MSDS books.

Garry Chislett

The company that I am with, Newfoundland Telephone, has many sites from Shoe Cove, St John's to Northern Labrador and every place in between. That was certainly a problem for us. We went to each department such as the Insulation, Repair Construction Group, the Buildings and Vehicles Group, House Service Group, Service Bureau and so on. We did an

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inventory for each particular work group. On the first sheet we have the list in alphabetical order, then MSDS on site, MSDS explanation, label explanation, classification details, and definition which is a glossary or dictionary of all the items pertaining to WHMIS. We have something like 280 of these in the field now.

At Newfoundland Telephone regardless if it is a hazardous product, a consumer product, or whatever, not only do we encourage reading labels on the job, we also encourage it off the job. For instance, WD-40 when you buy it at Canadian Tire in a 500-ml container spray is a consumer product, but if you buy it in a 4-litre container and step it down or decant it, it becomes a controlled product. There's little difference between getting it in your eyes from the aerosol can or getting it out of the 4-litre container. So, wherever there's an opportunity to get information, controlled product or not, my suggestion is to enter it into your manuals.

CLARITY, CONSISTENCY AND INTERPRETATION OF RULES

David Phillips, Consumer and Corporate Affairs Canada

CCOHS/CCHST

Lillian Vine

Clarity, consistency and interpretation of rules was a serious concern in the original request. And it certainly seemed so at the previous workshops. To speak on the topic on behalf of the WHMIS Division of Consumer and Corporate Affairs Canada is David Phillips.

David Phillips is a graduate of the Chemical option of Engineering Science at the University of Toronto and is a member of the Association of Professional Engineers of Ontario. Following a brief work experience with Shell Netherlands, he joined the Product Safety Branch of Consumer and Corporate Affairs Canada, starting in the Flammability Hazards Division and, since June 1987, in the WHMIS Group. He has been involved in the development of the Controlled Product Regulations and other matters relating to the implementation and development of WHMIS.

David Phillips

I would like to describe the role of Consumer and Corporate Affairs in WHMIS. What is a department concerned with consumer affairs doing in the area of occupational health and safety? When you look at the full range of activities in which Consumer and Corporate Affairs Canada is involved, you see it is a department of the marketplace. One of its activities is to promote the fair and efficient operation of the marketplace, and one of the ways it does that is through protection against product-related hazards.

The Hazardous Products Act is one of many pieces of legislation administered by the Department. That Act was identified in the late '70s and early '80s as a potential tool for dealing with a problem in the occupational health and safety area--unidentified hazardous materials in the workplace.

In Canada, there are 13 jurisdictions for occupational health and safety--ten provinces, two territories and Labour Canada, which is responsible for health and safety in federal government workplaces and certain interprovincial industries such as transportation and communications. These parties recognized that there was a need for a consistent national information system to ensure that all Canadian workers are equally well informed and to minimize the destruction of trade that could result from different requirements in each jurisdiction.

The Canadian Association of Administrators of Labour Legislation (CAALL), which is the Association of Deputy Ministers of Labour, contacted our Department seeking assistance in dealing with the problem of inadequate hazard information accompanying materials supplied to the workplace through the use of the Hazardous Products Act.

This approach from CAALL was unanimous from representatives of all the jurisdictions. The Department responded with a statement of willingness to look at the use of the Hazardous Products Act for this purpose, under the condition that each occupational health and safety jurisdiction would apply the requirements and enforce them.

The development of WHMIS was a shared activity through consultation and consensus with organizations representative of both industry and labour, as well as the provincial and federal governments. In addition to requirements on suppliers under the federal Hazardous Products Act, occupational health and safety agencies developed a model set of regulations to require employers to train workers and to ensure that WHMIS information is made available to workers. Each province and Labour Canada prepared the necessary regulations to implement employer obligations based on the common model. As a result, we have interlocking, complementary and consistent legislation--the Hazardous Products Act, the Hazardous Materials Information Review Act and the Canada Labour Code--in the federal sphere. And we have regulations in each of the provincial and territorial jurisdictions putting WHMIS into effect.

The criteria that define what is a hazardous product are established under the Hazardous Products Act, as are the requirements for Material Safety Data Sheets and their content. There is also a requirement for supplier labels. Most of the content and format of MSDS and labels are specified in the corresponding Controlled Products Regulations which were promulgated under the authority of the Hazardous Products Act. The criteria which define controlled products and definitions of supplier MSDS and labels in the Hazardous Products Act are generally referenced in the provincial occupational health and safety legislation and the Canada Labour Code. The Hazardous Materials Information Review Act is used for claims for exemption from disclosing confidential business information by suppliers by reference in the Hazardous Products Act and by employers by reference in all the provincial legislation.

Certainly we recognize that the federal regulations under the Hazardous Products Act sometimes lack clarity as a result of some of the agreements in the development of WHMIS. Issues arose during the course of that process that were considered to be so fundamental to the consensus that they were embedded in the Hazardous Products Act itself. One is that there must be a Material Safety Data Sheet which discloses four categories of ingredients with additional information prescribed by regulations. There must be a label, the content of which to be prescribed by regulations. There must be a generic chemical identity given in cases where the identity is otherwise protected from disclosure by a claim for exemption under the Hazardous Materials Information Review Act.

There are certain legislative and regulatory drafting conventions which lawyers use for regulations. As an example, one is not to repeat a requirement which exists in the Act in a regulation made under that Act. So clarity might demand a continuously-running, uniform document which goes by steps into all the details; but because some of the requirements were already established in the Act itself, they could not be reincorporated into the regulations.

Because of those requirements embedded in the Act, basic requirements which were to be universally applied do have regulations which elaborate the 'as prescribed.' But more space is sometimes spent in the Regulations specifying circumstances and conditions for exemptions than there are for specifying requirements. Clarity is not as evident as one might like, though our legal friends assure us that it is all very clear and very explicit, and can be interpreted only one way which is why it is written that way.

CCOHS/CCHST

I mentioned earlier that Consumer and Corporate Affairs agreed to the use of the Hazardous Products Act to implement supplier requirements provided the occupational health and safety jurisdictions would apply the requirements and enforce them. Through a Memorandum of Understanding between Consumer and Corporate Affairs and each of the provincial and territorial occupational health and safety jurisdictions and Labour Canada, responsibilities for the enforcement of the WHMIS provisions in the Hazardous Products Act and the Controlled Products Regulations have been delegated to these agencies. Because of these agreements, when we get questions on WHMIS at Consumer and Corporate Affairs, we will not normally respond directly. We do not normally deal directly with any of the individual suppliers to which the Hazardous Products Act applies, but will refer them to the province in which the supplier is located. If the company is a supplier and has locations in more than one province, the reference would be to the jurisdiction in which the headquarters are located. The same would happen in terms of imported products where a foreign importer has a sole distributor, we would refer any questions to the provincial jurisdiction where the importer is located.

One of the objectives of WHMIS is a uniform and consistent national approach, not simply in terms of putting a law into place, but on a continuing basis. Provincial and federal regulators recognized the need for an inter-governmental WHMIS coordinating committee. Its mandate has been to provide a forum for regulators to discuss issues dealing with the Hazardous Products Act aspects of WHMIS and to assist in assuring that the Hazardous Products Act is interpreted and enforced in a uniform and consistent fashion. Until recently, where issues of interpretation arose and questions of the intent of the legislation, representatives of industry and labour in the persons of Jean Belanger of the Canadian Chemical Producers' Association, David Bennett of the Canadian Labour Congress, and Gordon Lloyd of the Canadian Manufacturers' Association were invited to attend and participate in discussion to allow for a tripartite consensus resolution in the same fashion in which WHMIS was initially developed. Issues resolved by this committee have been reflected in two sets of amendments to the Controlled Products Regulations.

While the Inter-governmental WHMIS Coordinating Committee will continue as a forum for regulators, the tripartite forum has now been constituted in a more formal sense with the establishment of the WHMIS Current Issues Committee which Consumer and Corporate Affairs will chair.

The purpose of the Current Issues Committee is to serve as a forum for consultation on matters concerning the interpretation of, or modifications to, WHMIS other than the review of exclusions. It has no formal power but will make recommendations to Departments and agencies responsible for WHMIS legislation, including recommendations for modifications to WHMIS or changes in its scope. It consists of representatives of organized labour, industry, provincial and territorial occupational health and safety agencies, Labour Canada, the Hazardous Materials Information Review Commission and Consumer and Corporate Affairs Canada. Persons wanting to have an input into this committee should do so by contacting either David Miller of the Saskatchewan Federation of Labour or Gordon Lloyd of the Canadian Manufacturers' Association, depending on whether you want your concerns raised by labour or through industry respectively.

Another activity that is currently involving our Department is the review of products now excluded from WHMIS. During the tripartite development of WHMIS, to prevent a delay in implementation of the system, specific products and materials were excluded from

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coverage. These are products that are already subject to information or other occupational health and safety requirements under existing pre-WHMIS legislation. They are listed in Section 12 of the Hazardous Products Act:

a) explosives within the meaning of the Explosives Act;
b) cosmetics, devices, drugs or food within the meaning of the Food and Drugs Act;
c) controlled products within the meaning of the Pest Control Products Act;
d) prescribed substances within the meaning of the Atomic Energy Control Act
e) hazardous waste;
f) products, materials or substances included in Part II of Schedule I and packaged as a consumer product;
g) wood or products made of wood;
h) tobacco or products made of tobacco; or
i) manufactured articles.

Bill C-70 was amended in committee to require that at the end of October 1990 these exclusions be referred to parliamentary committee for review to determine the need for their continuance. Since the exclusions are found in the Hazardous Products Act, our Minister decided to take a proactive approach by reviewing the exclusions through a tripartite consensus process with the objective of developing recommendations for submission to the parliamentary committee. Five sectoral committees have been established and have begun an examination of the current hazard information requirements for excluded products and will make recommendations to ensure that these requirements meet or equal WHMIS provisions. There is the Food and Drug Act Sectoral Committee chaired by Health and Welfare Canada; the Explosives Act Sectoral Committee chaired by Energy, Mines and Resources; the Pest Control Products Act Sectoral Committee chaired by Agriculture Canada; the Atomic Energy Control Act Sectoral Committee chaired by the Atomic Energy Control Board; a General Exclusions Sectoral Committee chaired by Consumer and Corporate Affairs, which deals with the other exclusions in the Act--manufactured articles, wooden products, tobacco and products made of tobacco, hazardous waste and restricted consumer products. Also, there is the Senior Advisory Committee chaired by Labour Canada, which is a tripartite group with three representatives from each of industry, government and labour, whose purpose is to promote and encourage the consensus process overall in WHMIS.

WHMIS has been a shared responsibility. It is our view that it will continue to be a shared responsibility. If there are problems with it, they are not problems of one party or another, but joint problems for all of us--governments, labour, industry--that we have to solve jointly.

What have been the major problems we have found with interpretation of the rules? Consumer and Corporate Affairs does respond to inquiries from suppliers outside Canada and a major problem is not so much one of interpretation but of understanding the rules--how the legislation fits together. They have to have a Hazardous Products Act as well as the Controlled Products Regulations to understand the system for supplier requirements.

Another major misunderstanding is that the Ingredient Disclosure List can be used as a tool for classification of products. That is not the case. It is merely for categories of ingredients that must be disclosed on a MSDS of a controlled product.

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We have received questions about some terms in the legislation. One is the meaning of "information of which the supplier ought reasonably to be aware," which is in the disclosure of information on a MSDS and in classification of products based on available toxicological information. This was brought to the tripartite committee and they agreed that an employer or supplier ought to be aware of relevant information available from the Canadian Centre for Occupational Health and Safety, from publications of regulatory agencies with jurisdiction at the workplace, from publications made available by industry or trade associations of which the employer is a member, or by labour organizations which represent workers at the workplace, and published technical literature.

TRADE SECRETS

William Lowe, Hazardous Materials
Information Review Commission

CCOHS CCHST

Lillian Vine

One of the very first activities the Canadian Centre for Occupational Health and Safety undertook after it began operations once its first president, Gordon Atherley, was appointed in late 1979, was to look at library shelves to see what information could be found in the public domain about chemicals. Chemicals were of great concern to many people and it was assumed that a lot of information about products was shrouded in great secrecy. Even today it is something that people ask often--how much of it is secret? In fact, what CCOHS found was that a lot of information was available on library shelves if you knew where to look. Very soon after that the Canadian Chemical Producers' Association asked its members to voluntarily contribute MSDS to CCOHS for one of the first CCOHS-created data bases, TRADE NAMES (TN). The question is still with us some ten years later. When the WHMIS legislation was being conceived, one of the things that was put in place was the Hazardous Materials Information Review Commission to protect legitimate trade secrets.

To speak about that is William Lowe, Director of Compliance and Chief Screening Officer for the Hazardous Materials Information Review Commission. He is a graduate of Algonquin College, School of Technology in Ottawa. He is certified as an Engineering Technologist by the Ontario Association of Certified Engineering Technicians and Technologists. He has seven years of experience in plant and process engineering in the nylon 6 textile fibre industry (Union Carbide Canada Ltd). He joined the federal department of Consumer and Corporate Affairs in 1974 and served in various positions in the consumer products packaging and labelling program.

He was a Senior Program Manager with the Canada General Standards Board (Supply and Services Canada) in the Certification/Qualification Branch (1987/88). He joined the Hazardous Materials Information Review Commission in May 1988 and was appointed Director of Compliance and Chief Screening Officer in January 1990.

William Lowe

I want to tell you about the trade secret exemption mechanism of WHMIS--how it was built and how it works. This mechanism has to do with the workers' right to know versus the right of a supplier or employer to protect confidential business information. It is a very delicate balance. It involves an exemption from having to divulge certain information that you ordinarily would have to show on a MSDS or label. It could involve disclosure to an inspector or a user or a purchaser of a controlled product under Section 31 of the Controlled Products Regulations (CPR).

How do we handle this delicate balance between the right to know and the right to protect bona fide confidential business information? The WHMIS Steering Committee, which was involved in the establishment of the whole WHMIS process, did address this issue. They reached a consensus on the general approach to the trade secret mechanism process and it embodied a number of principles, including the following:

It would be mandatory to file a claim. An independent federal adjudicative agency to rule on the validity of the claims would be established. Some direction was given on the criteria used in determining a bona fide confidential business information exemption. The process should be participatory, involving affected parties from the very beginning

of the process, but not be too cumbersome or expensive. There should be a mandatory compliance review of the MSDS or label associated with the controlled product. There should be a right to appeal the decisions on the validity of the claim for exemption.

It then fell to the federal government to develop and pass an Act of parliament, the Hazardous Materials Information Review Act. This Act set up the Commission, outlined the statutory responsibilities of certain personnel on the Commission, explained what information might be claimed as confidential business information. For suppliers, that is the chemical identity or concentration of a hazardous ingredient, it is the name of a toxicological study. Employers have the benefit of those exemptions and of being able to claim as confidential business information the generic name if it is used as the product identifier and to claim as confidential the name of a supplier of a particular controlled product.

The process for reviewing claims and making decisions is outlined in the Act. A Council of Governors was established to oversee the operation of the Commission and the composition and responsibilities of the Council are outlined in the Act as well. The Act outlines measures that must be taken to protect the integrity of the confidential business information that is entrusted to us. The Act outlines an emergency release mechanism, where under limited circumstances when a supplier cannot be reached, the Commission may release to a doctor or a nurse in a medical emergency and for purpose of diagnosis or treatment, the trade secret information. The Act introduces the element of cost recovery and refers to fees.

As soon as the Act was passed, work began on the development of the Hazardous Materials Information Review Regulations. One of the main components in these Regulations is the criteria. We look at the claim to see if it is really confidential; whether the claimant has taken reasonable measures to protect the confidential business information; whether it has actual or potential value; and whether financial or other business expenditures could be taken into consideration to judge whether it is really a valuable trade secret.

There is limited occasion for an exemption to be used for any supplier or employer because it is estimated that between 5% and 10% of all controlled products would be the subject of a claim.

There is also a limited exemption. You can only claim an exemption for certain information that you would ordinarily have to show, primarily to do with ingredient identity and concentration.

It is a conditional exemption. In the case of an exemption for the real chemical identity, for example, Section 16 of the Hazardous Products Act says that even if you are exempt from having to show the real chemical identity, you still have to give the generic chemical identity.

The other condition is that all the health and safety information that is on the MSDS under conditions of full disclosure has to be there, even if a trade secret exemption is granted. This is a protection guaranteed to the worker even if a trade secret exemption applies.

What do you do to claim for an exemption? You review the controlled product regulations and identify the confidential business information in your products that you want to claim. You apply the criteria to see if you really meet them. You can group those controlled products if they have similar characteristics, and then we allow you to file for a reduced fee. You send the claim to us, we register your claim, and you get a registry number which you have to put on the Material Safety Data Sheet to comply under the Hazardous Product Act. That is the guarantee that labour has that you have filed with us and that we will undertake a review.

We will not only review the claim according to the criteria, but we will also review the Material Safety Data Sheet and label to see if they comply with the Controlled Products Regulation or the Occupational Safety and Health Act if it is an employer trade secret.

How do we process claims? We process the fee first and then send the confidential business information to security storage to make sure it is well protected. We check to see if all documents that have to be filed have been filed with us. Then we assign a registry number to the claimant if the fee is paid; otherwise claim the outstanding money, and then proceed to pre-screening to look at the product classification. The MSDS and label are checked to see if they are in the right groupings, because that impacts on the fees as we have allowed the groupings according to the hazard criteria, and we assign a priority in terms of the toxicological properties or health and safety hazards so that we screen the most hazardous products first.

What is screening? Under the Act, we assign the claim to the screening officer who reviews it, the appended information that was given to us by the claimant, and any additional information that may be needed from the claimant or received by an affected party. S/he also reviews and evaluates information on the MSDS and label that we send off to Health and Welfare for advice. The screening officer then writes the decision, which is sent to the claimant and then published in the Canada Gazette.

What happens after our decision is rendered? There is the possibility of an appeal by the claimant or by any affected party who has information on that product and is made aware of the decision through the Canada Gazette. That party could be a worker or a union.

Appeals can be filed by the claimant or an affected party. The appeal can be made because we rejected a claim from the claimant. Or, it may be an appeal from an affected party who feels that we have not done a good job, and that the information on the MSDS and label cannot meet the requirements of the CPR. Our decisions on the MSDS and label concern all of the compliance of the MSDS and label, not only against the trade secret ingredient, but against all ingredients.

To date, we have received claims involving about 1,360 controlled products; about 935 of those are from Canadian suppliers, 428 are from US suppliers. We have received 11 claims from Ontario employers. We are not in a position to rule on the validity of these claims until the appeals regulations are finalized, which has taken longer than anticipated.

I can be reached at the Hazardous Materials Information Review Commission (613) 954-2430.

CONCLUDING SESSION

Allan Carter, Newfoundland Association of Public Employees

CCOHS/CCHST

Lillian Vine

We have talked a lot about WHMIS over the course of the day. We have touched on some of the problems you found in putting together the programs and some of the solutions. Stepping in for William Parsons, President of the Newfoundland Federation of Labour is Allan Carter, Employee Relations Officer for the Newfoundland Association of Public Employees (NAPE). He is responsible for occupational health and safety, he is responsible for labour negotiations and he is responsible for compensation cases. Allan will be speaking from the labour perspective about where WHMIS has been, where it is going and what needs to be done in the province of Newfoundland.

Allan Carter

I will not be giving a position just on where NAPE sees WHMIS, but I will be speaking on behalf of all the unions in the Newfoundland Federation of Labour.

We see WHMIS as an essential body of legislation to ensure that the workers' rights are preserved in the workplace. It is another arm of occupational health and safety. As a public service union, we are generally pleased with where WHMIS is today, but we are not yet satisfied. We feel that WHMIS still has a long way to go.

We have a document which deals with WHMIS union strategies drafted by the Canadian Labour Congress to assist labour unions to introduce members to WHMIS. I would like to read from this document to give you an idea of what labour felt in the beginning:

> In 1978, with the passage of the Occupational Health and Safety Act, Ontario workers were given the right to know, the right to participate and the right to refuse. Unfortunately, over the last decade, these rights have not been effectively guaranteed.
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> Despite the law, workers continue to be unknowingly exposed to health and safety hazards as the price of earning a living. The problem lies with the failure of the so-called internal responsibility system which was supposed to give worker and employer representatives the joint responsibilities of carrying out the law. The centrepiece of this system was to be the joint health and safety committee, where the parties would exchange information, identify workplace health and safety problems, and cooperate in finding solutions in compliance with the Act and its Regulations. The committees, however, have tended to become like other levels of the grievance procedure or collective bargaining.
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> Debates over whether the problems even exist, how much it will cost to remedy, or who should be blamed are argued along adversarial lines rather than what the intent was. In the end, the provisions of information to the worker on the job has become a lost cause and the right to know about workplace hazards a cruel joke. Workers have continued to be victimized by occupational injuries and disease because they lack the information necessary to protect themselves. The frustration has led many to use the right to refuse in a concerted way, shutting down the job in order to force information or action on the workplace hazards of the employer.

As in our occupational health and safety committees, we find in our training seminars that union stewards and union activists are finding themselves in an adversarial position on occupational health and safety. They sit at a boardroom table with the employer on one side and the union on the other and they get into a spitting match. We spend most of our time in training seminars convincing the worker that it is not the role of occupational health and safety to bargain. It is to seek information, make suggestions, put forward areas of concern, and try to work together to come up with the means to resolve the problem. This is the ideal, but normally it doesn't work this way.

One of the major problems that we blame the employers for is that they use the labour/management committee to bring forward new policies that are usually to the detriment of workers. The employer seems to be dictating what the workers will do and this new policy is brought to the occupational health and safety committee or to the labour/management committee. Employers shouldn't use occupational health and safety committees as the bearers of bad news. If there are policies that management wants implemented, they should do so through another channel. If you want to sit down with employees and discuss areas of mutual concern and jointly draft a resolution or make recommendations, that is what those committees are for.

In the public sector recently the provincial and federal governments have given lump sums of money for make-work programs. The employers are left with the responsibility of having to spend some of these monies to get more money next year. A lot of makeshift workplaces are popping up as a result. There are many hazards and unsafe conditions at these workplaces. We are concerned about this problem. WHMIS and occupational health and safety are shortchanged at these places. We are living in a society where makeshift workplaces may very well become the norm in this province.

For the most part, the large employer is way ahead of the small employer except when we are talking about the government, which is probably the largest employer in this province. Government has accepted WHMIS, has done a fair amount in trying to pass it on to the employee, but there are too few inspectors to follow up. To force employers to comply with the Act, the inspectors are needed as watchdogs. We have eight inspectors for the province of Newfoundland in the public service.

What are unions doing? It's all very well for me to stand here and say this is the employer's responsibility. Well it is the employer's responsibility. The law says that. The employer is responsible for making sure that this is being passed on to the worker. The union has a responsibility to its membership in making the members aware of exactly what they can demand from this procedure or from WHMIS itself. We have put together a number of training programs; one of the biggest problems we have is arranging time off for workers to attend them. We have a problem when we approach the employer for time off, especially in health care, but also with other provincial government employers.

We would suggest as a resolution to some of the problems with WHMIS that there is an extreme need right now to bring on more inspectors and to train the ones we have to inspect workplaces and to enforce compliance with the legislation. We find that where it

is left to employers or to individuals to fall in line with legislation, for the most part the legislation is not effective. It's like a collective agreement. If there's no shop steward to enforce it, then both sides take advantage of it. It means nothing. The labour movement heralded the occupational health and safety legislation as one of the better pieces of legislation ever to be introduced in our province. And yet, we all know there are work sites where that legislation is being violated over and over again. And there's no concerted effort to have it enforced.

We suggest that education is the key. The union has a responsibility to educate its membership, telling the membership exactly what their rights are, what their responsibilities are when it comes to WHMIS and what they have a right to know. And we also have to make sure that workers do not fall into the trap of thinking that because they have to know what's in a product, that in itself is going to ensure safety. Knowing what hazards may be in a particular product doesn't necessarily mean a safe workplace. You need more than just to know, you need to know what to do when you're confronted with hazardous materials. So we see education and inspection as key to resolving the differences we have.

WHMIS has come a long way since its introduction back in 1988. We've had a lot of changes in our governments here, in our top civil service. The Department of Labour has gone through a lot of changes and seems to be now getting back onto an even keel. In the next year or so I hope we'll see the benefits of that.

Lillian Vine

It took a very long time and a lot of people to build WHMIS, and it is still evolving. But before you can build, you need architects; the architects were the Canadian Labour Congress, The Canadian Manufacturers' Association, and the Canadian Chemical Producers' Association. Gordon Lloyd, of the CMA was one of the architects. I cannot answer questions for him, but I will read you some excerpts of what he said as the first year was just ending at the workshop in Hamilton.

> One of the benefits we got out of WHMIS is a unique process that can be repeated in other issues in Canada, not only in health and safety but in other areas where we have to bring diverse groups together. We have a system where groups from opposite sides of the table--labour, industry, and federal and provincial governments--came together and worked as a team to do a project.
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> There were mistakes and there were problems. Many were solved by the team approach.
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> But the benefits were obviously not just in process; the most important benefit is a system that provides better communication about hazardous materials in the workplace.

We have a unique system for resolving disputes about trade secrets through a tripartite arbitration panel. That is being considered in other countries around the world under community right-to-know legislation. If the Canadian model works well, it may be seen as preferable to the more legalistic American model which deals with challenges and courts.

But there are also some problem areas. Some of the major problems arose when, instead of focusing on the major issues, we got into peripheral issues. One peripheral issue was the perfume and fragrance industry. One view was that this sector was exempted by the food and drug section; it turned out on closer analysis that it was not. Some of its problems were unique and did not fit into the WHMIS system. It took a great deal of time and effort to solve that issue; the time spent on this peripheral issue could have been better spent focusing on the core. The issue of consumer products is similar. Someone looking at this might see what seems to be very confusing rules. We might have been better off to see consumer products as peripheral, and totally exempt them.

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One problem was getting the agreement implemented. I do not think anybody at the senior political level ever anticipated that labour and management would be able to agree on some of the fundamental issues of WHMIS. Once we got the agreement there had to be a selling job at the ministerial level to get it implemented. We have to make sure in future initiatives that political will does not get attached as an afterthought--it must be there from the outset.

Another potential problem is keeping a consistent national approach. We have thirteen jurisdictions all making decisions that should be consistent if we are going to keep this national approach and if we are going to keep the necessary labour and industry involvement. How do we do that? That is a problem that we have not solved and one that we will have to do a better job of as we move further into WHMIS Phase II.

There is a lot of discussion about the paper burden problem WHMIS has created. We have to find solutions to minimize it. Electronic usage may be one approach; some changes in the existing system may be another.

As we go into Phase II, labour has put together a list of things it would like to see and so has industry. This is part, at least, of industry's list, and given the magnitude of the system, it is a surprisingly short list of technical areas where changes are needed.

1. Laboratory supply houses do not see the system working for them. They face the same problems everybody else does about MSDS and labels; they have to reformat existing health and safety information and they

have to translate it. Some of the smaller laboratory supply houses have to do it for more than 16,000 products and they cannot cope. Something has to be done to allow them to cope or they are going to find it impossible getting some of the materials they need to operate.

2. Change in the Transport of Dangerous Goods classification system has an automatic impact on WHMIS and not always a desirable one. We must have better liaison between the two federal government departments.

3. There is the issue of WHMIS in offices.

4. There is the problem of WHMIS labels for old stocks of materials.

5. The three-year revision of Material Safety Data Sheets and the requirement to send the revised MSDS to customers; a new MSDS could be one whose only change was the new date, showing a new three-year cycle starting. We are going to add tremendously to the paper burden problem. We need to find a simpler way of communicating to those people using the product that an MSDS has been checked out and there are no changes, or that there are changes and where they are.

6. And the exemption in WHMIS for manufactured articles, and the provision of emergency information that could involved trade secrets. There should be some specification on the MSDS indicating if the product is controlled, and if so, what classes it fits into.

* * *

So where to from here? We have to clearly address the exemptions that Parliament has required be looked at. We have to resolve the technical problems that have been outlined. And we also have to avoid the peripheral issues in WHMIS Phase II and focus on the core issues.

Industry judges WHMIS to have been a success. We have better communication and there has been a process in which labour and management and federal and provincial governments have been able to work together successfully with good results.

CONCLUSION

Lillian Vine

Some of the things you've said have also been said in our other WHMIS-The First Year workshops. Large business by and large is doing pretty well; for small business, it is still a problem. The people who are here are the people who are committed, the people who are interested; a lot of people still are not. You've said that WHMIS is ongoing, we cannot get complacent and assume it's done, it's finished, everybody is trained. You thought the success of WHMIS was based on its tripartite involvement. This is true of our workshops as well. As we facilitate open and frank discussion, people find that although they have different approaches, there is a lot of common ground and they find a lot of agreement when they can be non-confrontational.

There's been agreement at all of the WHMIS workshops that there must be an involvement from management at the senior levels and labour must be involved in the training, in the doing, in the communications. There have been concerns about the number of inspectors. Industry audits have been mentioned time and again. The need for more education, not just about WHMIS but about occupational health and safety in general throughout the educational system has been stressed in one workshop after another, whether it dealt with WHMIS or not.

I asked you this morning if you would do an evaluation. I would like to do an evaluation as well. This group may have been smaller than others, but not in quality--the quality was large. When you told me, Allan, that the people I would meet here would speak in different accents, you didn't tell me they'd all be honey-tongued orators. And they are. They did speak in different accents. They spoke very well. Maritimers have a reputation for being hospitable and indeed you have been. Thank you.

I'd like to thank all the speakers, Roger March, Lee O'Blenis, Jim Gill, Terry O'Reilly, Dave Rex, David Osmond, Horace Pye, David Phillips, Bill Lowe, and Allan Carter.

I'd like to thank all of you for coming, for sharing your programs, your doubts, your problems, your solutions.

Thank you very much.